













REMINISCENCES

OF

PUBLIC MEN IN ALABAMA,

FOR THIRTY YEARS.

WITH

AN APPENDIX.

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BY

WILLIAM GARRETT,

LATE SECRETARY OF STATE.

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TO  
THE YOUNG MEN OF ALABAMA,  
WITH WHOSE FATHERS I WAS ASSOCIATED IN PUBLIC LIFE,  
AND WHO HAVE PASSED AWAY:  
AND TO  
THE YOUNG MEN, DESCENDANTS OF THE ORIGINAL PROPRIETORS,  
WHO LAID THE FOUNDATION OF THE  
GOVERNMENT,  
AND BY WHOSE WISE COUNSELS AND FAITHFUL ADMINISTRATION  
THE STATE ENJOYED A CAREER OF  
UNEXAMPLED PROSPERITY,  
(PREVIOUS TO THE LATE WAR BETWEEN THE STATES,)  
AND TO WHOSE TALENTS AND VIRTUES  
I HAVE ERECTED A MEMORIAL,  
THIS VOLUME IS RESPECTFULLY INSCRIBED,  
BY THEIR FRIEND,  
THE AUTHOR.

TO

THE YOUNG MEN OF ALABAMA

BY THE AUTHOR OF "THE YOUNG MEN OF ALABAMA"

AND

## PREFACE.

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It is deemed necessary to state, that the Author was requested by a number of friends who knew his long connection with the Government, to prepare "Reminiscences of Public Men in Alabama," as a contribution to the history of the times, which could not fail to be of general interest. Prompted by this suggestion, he ventured upon the task, believing that it was a duty he owed his fellow-citizens to lay before them the results of his observation and experience during a period which embraced the most distinguished actors on the public stage, and the most stirring events which have occurred since the State passed from its Territorial condition. His memory has thus been exercised to gather up and preserve, in the form of narrative and description, many things which otherwise would have perished, as no man living, except himself, had the same opportunities to acquire, by personal contact with men, the minute knowledge embodied in this work.

When the Author decided to make the attempt for publication, his chief inquiry, within himself, was, Where shall I find the materials to fill the proposed volume? As he progressed, new stores opened to him, and such has been their abundance, that the embarrassing question now is, How shall I select, and what shall I be compelled to leave out, after diligent revision of the manuscript, which has grown far beyond the limits prescribed to the work? This is no small difficulty in his mind. He has endeavored, however, to observe such a course as he deemed most satisfactory to the public, omitting large documentary extracts which, in many instances, would have illustrated more fully the measures of legislation to which they applied. The substance, however, has been given in most cases, without the formal amplification.

With regard to the characters introduced, the Author takes occasion to say, that they are such as, in his judgment, belonged prominently to the times and circumstances of which he treated. Some of them have a National fame, and others, not so well known

abroad, have a distinguished reputation at Home. The Author, however, deems it no sacrifice of feeling or of taste to confess, that his sympathies and his sense of justice have induced him to rescue from neglect, and perhaps from oblivion, many names of less pretension, but of solid, practical worth. A number of such are specially noticed.

Besides the matter which is arranged in distinct chapters, constituting the main body of the work, the Appendix includes a Roll of the General Assembly from 1819 to 1872; a Roll of the Judges of the Supreme and Circuit Courts, and of the Attorney Generals and District Solicitors for the same period; of the Senators and Representatives in the Congress of the United States, and other condensed records which, upon examination, will, no doubt, be welcomed by the general reader.

While the Author has furnished the facts and materials which form the staple of the work, and has bestowed much labor in their presentation, he takes pleasure in acknowledging the assistance which has been afforded by his personal friend, Major STEPHEN F. MILLER, who was Editor of the "Monitor," at Tuscaloosa, from March, 1840, to October, 1847, and who, in 1843, wrote and published "Heads of the Alabama Legislature." Since 1849, Major MILLER has resided in Georgia, where, among other works of which he is the author, is "*The Bench and Bar of Georgia*," in two volumes, published by J. B. Lippincott & Co., Philadelphia, in 1858. Especially is it due to him to say, that the extracts incorporated in the notices of public men, showing, from their speeches and letters, the part they acted, and the sentiments they entertained, have been supplied from the large collection of documents and pamphlets which have been preserved by Major MILLER, in bound volumes, now forming a part of his Library.

With these observations as to the origin and progress of the work, the Author submits it to the People of Alabama, in whose service he has passed more than thirty years, embracing the prime of his manhood. Nor would it be proper to omit, here, the expression of his grateful acknowledgments for the confidence and kindness always extended to him in his public and social relations.

W. G.

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THE HISTORY OF

THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT TO THE PRESENT TIME

BY NATHANIEL PHIPPS

IN TWO VOLUMES

VOLUME I

BOSTON: PUBLISHED BY T. & J. NEASE, 1796

BY J. NEASE, PRINTER

AND SOLD BY ALL THE BOOKSELLERS

IN THE UNITED STATES

AND IN GREAT BRITAIN

# REMINISCENCES OF PUBLIC MEN IN ALABAMA.

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## CHAPTER I.

### *Outline of Population, and State Nativities.*

No formal treatise, or connected narrative, is here intended relative to the early settlers of Alabama. Since the State was admitted into the Union in 1819, Virginia, North and South Carolina, Georgia, Tennessee, and other States, have contributed to the population, and no particular ascendancy can be awarded. Yet traits of character somewhat peculiar to each could be discerned in the communities which they formed, or in which they were scattered. In the General Assembly this was quite apparent in the representative men who figured in public life; so much so that it was not difficult to tell what State a man was from by his ideas of legislation. The man from Georgia was very apt to inquire for Prince's Digest, and was altering the law so as to introduce some change in unison with the statutes of that State. The Georgians were opposed to the judicial system of Alabama generally, especially the Supreme and Chancery Courts, preferring the Georgia plan of a "special jury," instead of the tribunals where no jury trials existed. They proposed to establish Justice's Courts, and the first law passed in Alabama providing for monthly courts, and afterwards jury trials in such courts, was introduced by a gentleman who had been a member of the Legislature of Georgia. It was difficult for them to get into the habit of writing the word

“Beats,” to distinguish the civil divisions of a county, in place of “Districts,” as they were called in Georgia. And so of various other matters of law or custom, these gentlemen would frequently refer to Georgia, and the practice there, &c.

The Virginians were a different class, and probably manifested more of the old State leaven than others. Not a great many Virginians, comparatively, sought places in the Legislature. They came to Alabama mostly as planters, wealthy, independent, and little disposed to engage in the scramble for place. But it was easy to distinguish them; for they had little use for any other law book beyond the “Revised Statutes of 1819,” and the laws therein, especially those relating to descents; and in other respects looking to the improvement of the laws of Alabama by engrafting the provisions of the Virginia Code, which had, in part, the sanctity of a hundred years to recommend them.

By way of illustration, there is an amusing anecdote. In one of the southern counties lived Col. Gibbs, a high-toned and proud-spirited Virginian. He was drawn and summoned on the Grand Jury, and his prominence caused him to be appointed foreman. After the Judge had charged the jury, and before they retired, Col. G. addressed the Court with much gravity, and inquired whether they were to be governed by the “Virginia Revised Code of 1819;” and being informed that they were not, he seemed greatly puzzled as to how the jury would get along.

The South Carolinians were less wedded to their State legislation, and were less marked in that respect, while they frequently inquired for the statutes at large of that State, and examined with attention that portion relating to marriage contracts. As a class, they were enlightened and well informed upon the general scope of legislation, and contributed no little to an improvement of the laws of Alabama, though they did not favor a penitentiary system, or the law of divorce—things unknown in the statutes of South Carolina.

Tennesseans were generally known by their reference to “Haywood’s Digest,” or that of a later date by Caruthers & Nicholson, and were in favor of engrafting upon our system the Tennessee law for the redemption of real estate; and every member originally from that State voted for the bill making that provision,

which was proposed by a Tennessean, and they all rejoiced when the bill became a law, and that notions of Tennessee jurisprudence had obtained in favor of unfortunate debtors in Alabama. They were also generally in favor of changing the mode of assessing the taxes, so as to conform to the laws and practice of the old State, making it the duty of a Justice of the Peace in each beat to assess, &c. They were, too, attentive to the road laws of the old State, and ready to offer an amendment to any road bill, especially about the width of roads, lanes, &c.

The National pride of the comers from the different States was also apparent. That of the Virginians is known to all. They were proud of their ancestry and State, as well they might be; for theirs was the only State which had produced such men as Washington and Jefferson, and Madison and Monroe, and Patrick Henry, besides a host of others on the roll of fame. The Tennessean was proud of the character his State had obtained in arms, in the battles of the Creek war, and at New Orleans. The Georgians placed a high value on their State institutions, which they considered preferable to any other, not only in the laws, but in their administration. The South Carolinians took pleasure in remembering the exploits and noble sacrifices of the Whigs of their State in the war of the Revolution, and the part they bore in achieving independence.

The North Carolinians were proud of their State for its fixed, steady habits and principles, and of the character of the men whose names adorned her annals, as Gaston, Stanly, Badger, Haywood, Macon, Mangum, and others, not to mention those who distinguished themselves in the Revolutionary period of 1776.

The early settlements of Alabama were by emigrants mainly from the States specified, although some of the first settlers were from Kentucky, and States further North. The Georgians settled in the eastern part of the State; further west and southerly were the North Carolinians and Virginians. These last also came in numbers to North Alabama, especially Huntsville, which they mainly settled. Tennesseans found their way to Shelby and Bibb, as well as the counties of North Alabama. The impress of the characteristics of the early settlers, and the States and communities from which they came, was strongly made in the sections

where they resided. In the region about Montgomery the character of the Georgians predominated for a long time, as did that of the Virginians and the Carolinians farther west and south, in Perry, Greene, Tuscaloosa, Marengo, Dallas, Monroe, and Wilcox. Huntsville is indebted no little to the Virginians and Georgians, who settled there at an early day, for the high-toned character which it has long borne, and has distinguished its people for intelligence and refinement for half a century.

Greene county has been perhaps more fortunate in the character of its early settlers than any other county. Men from different States settled there—pleased with the local surroundings and fertility of the soil—who vied with each other in developing a good state of society, for culture, reading, and general intelligence, not only in literature, but in the knowledge of agriculture; and their devotion to these objects was so eminently successful that thirty years ago it presented a happy condition, which, in a general pecuniary independence, coupled with intelligence and refinement, a high character for humanity to slaves, correct teachings, and affable deportment in both sexes, could rarely be found throughout an entire county. In 1844 the State census was taken, and in compiling them in a report to the Legislature, I could not but notice the distribution of slave property in the county—very few heads of families possessing more than one hundred, and few ranged below fifteen slaves.

Twenty-five years ago I heard a gentleman say he had occasion to be at Eutaw, the county-seat for Greene, on Monday morning of Circuit Court, and counted, as they arrived, upwards of a hundred fine buggies, occupied by well dressed, intelligent gentlemen, and drawn in most instances by fine horses. There are but few, if any, counties in the State of which this could be said.

Although the number is not very considerable, the emigrants from France are entitled to friendly attention in these pages. Soon after the downfall of the Emperor Napoleon, in 1815, many of his officers and adherents came to the United States as refugees from the vindictive persecutions set on foot by the restored Bourbon dynasty. Among them were several Marshals and Generals of Napoleon, and other prominent citizens of France, with their families. Congress made a liberal donation of lands in the vicin-

ity of Demopolis to the French emigrants, with the view of introducing the culture of the grape and the olive. An account of this settlement, the hardships endured by the emigrants in the wilderness, their courtly social habits, and the proud and lofty principles which governed their conduct in adversity, has been published in Col. Pickett's *History of Alabama*, and also in other works more or less descriptive. In Marengo (named by the French), and the adjoining counties, the descendants of these refined and worthy foreigners constitute a pleasing element in the population to this day. Many of the names, still preserved, will at once suggest to the reader, when he hears them, the quality of the blood they represent.

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## CHAPTER II.

### *Regular Session of 1837.*

When I entered the public service as Assistant Clerk of the House of Representatives, in November, 1837, the State was officered by men of experience in public affairs. Many of them came down to that period from the organization of the State government, and had much to do in the administration of its affairs. There was marked ability in the practical experience with which the government was administered; and not a few younger men who were destined to a large participation of public affairs in the future history of the State.

The Hon. Hugh McVay was Governor, and succeeded to the Executive as President of the Senate, to fill the vacancy caused by the resignation of Gov. C. C. Clay, on his election, at the called session in June preceding, to the Senate of the United States. Mr. Albert G. Gooch was Private Secretary to the Governor; Mr. Thomas B. Tunstall, long connected with the Legislature as Principal Clerk of the House of Representatives, was Secretary of State; Mr. Jefferson C. Van Dyke was Comptroller

of Public Accounts; Mr. William Hawn, Treasurer; and John D. Phelan, Esq., was Attorney-General.

The Hon. Henry W. Collier was Chief Justice of the Supreme Court, with the Hon. Henry Goldthwaite and Hon. John J. Ormond as Associate Justices. Henry Minor, Esq., was Clerk; Hon. Benjamin F. Porter, Reporter.

The Senate presented a strong array of talent and character, as did the House of Representatives. In the former were Messrs. Jesse Beene of Dallas, George W. Crabb of Tuskaloosa, Thomas S. Mays of Montgomery, John A. Elmore of Lowndes, Sidney C. Posey of Lauderdale, Nathaniel Terry of Limestone, John T. Rather of Morgan, Samuel B. Moore of Pickens, John Rains of Marengo, Henry C. Lea of Perry, Joseph P. Frazier of Jackson, James B. Wallace of Lawrence, Daniel E. Watrous of Shelby, and J. M. Burke of Wilcox. Mr. Beene, Democrat, was elected President, without opposition; Mr. Charles D. Conner, Secretary, and Thomas B. Childress, Assistant Secretary; A. B. Thomas, Door-keeper.

In the House of Representatives were, Col. James W. McClung, Judge William Smith, and Dr. David Moore, from Madison; Messrs. James M. Calhoun and William S. Phillips from Dallas; John W. Womack of Butler, Charles McLemore of Chambers, W. W. Morris of Coosa, R. A. Baker of Franklin, John Erwin, Solomon McAlpin, and D. P. Bestor, of Greene; J. L. F. Cottrell and R. P. McCord, of Lowndes; Benjamin G. Shields and William J. Alston, of Marengo; Samuel C. Oliver and Alfred Scott, of Montgomery; Joseph Bates and T. L. Toulmin, of Mobile; Dunklin Sullivan and Columbus W. Lee, of Perry; W. W. Payne of Sumter, W. B. McClellan of Talladega, and Marmaduke Williams, Pleasant H. May, and Benjamin F. Porter, of Tuskaloosa. Many of these gentlemen had been connected with the Legislature at an early day, and some of them were subsequently advanced to higher positions of honor and trust.

Col. McClung was elected Speaker of the House over Mr. Shields. It is proper to say, in this connection, that Col. McClung had not affiliated with the Democratic party. He had presided over the House, at several sessions before the present, with marked ability, and was from the northern part of the State,

where he was personally very popular, so much so that he received the votes of many Democrats. Mr. Gideon B. Frierson was elected Clerk; William Garrett, Assistant Clerk; Thomas Price, Enrolling Clerk; John Tatom, Door-keeper, and James Rather, Messenger.

The Governor's message was delivered by Mr. Gooch—was short, plain and pointed. The engrossing subject which occupied the public mind more than any other—the banks and pecuniary situation—was but slightly noticed, and most of the message was devoted to a consideration of the criminal laws. The Governor recommended strongly the establishment of a penitentiary, and a revision of the code of punishments, adapting it to such a system.

But the failure of the Governor to enlarge upon the banking system, and the best policy to be adopted, did not prevent the Legislature from taking up the subject. Indeed, they could not avoid it. The country was in the midst of a severe pecuniary revulsion, which had commenced the Winter before—a revulsion so pervading and damaging in its effects upon the business of the country, that the President of the United States had considered it necessary to convene Congress in extraordinary session, as did the Governor of Alabama in regard to the Legislature, to consider what was to be done to meet the terrible emergency, and prevent the bankruptcy and ruin which every-where threatened the people. The Legislature, at the called session, had authorized the issue of five millions in bonds, upon the faith and credit of the State, the proceeds to be deposited with the banks in just proportions, to be used in discounting bills and notes, looking to the relief of the people—to be loaned on one, two, and three years, upon approved paper, backed by a mortgage upon unincumbered property.

This failed to afford the relief sought and demanded by the exigencies of the times. Various, indeed, were the projects brought forward, looking mainly to the reformation of abuses in the management of the banks, which, all agreed, existed more or less. In the Senate, Mr. Riddle, of Greene, and in the House, Mr. Smith, of Madison, were placed at the head of the committees of the respective Houses, on the State Bank and Branches; and from them much was expected in directing the action of the Legislature in reforming the abuses and defects which were

alleged to exist. Gov. Bagby, who was inaugurated at this session, submitted a special message to the two Houses, giving his views of the banking system, its defects, and the proper remedies. The result of the legislation of the session in regard to the banks, was to provide for withdrawing from market and cancelling the unsold bonds, and organizing a Board of Control, consisting of three persons, who were to be appointed by the Governor, and exercise a supervisory control, with extensive powers. The Governor appointed John B. Norris of Mobile, Thomas Owen of Tuscaloosa, and Thomas Brandon of Huntsville, to constitute this Board.

#### INAUGURATION OF GOVERNOR BAGBY.

At the general election, this year, Mr. Arthur P. Bagby of Monroe, was elected Governor, over Mr. Samuel W. Oliver, of Conecuh. Both of these gentlemen had presided over the House of Representatives as Speaker, with ability, and either, it was conceded, would fill the Executive with dignity and efficiency. Gov. Bagby was the Democratic candidate, and Mr. Oliver, while not extreme, and had been so acceptable to the Democrats that they assisted in electing him Speaker of the House, was, in this contest, ranged under the Whig banner. At the polls, Mr. Bagby received 21,800, and Mr. Oliver 17,663 votes—majority 4,137.

Gov. Bagby was inaugurated on the — day of November, 1837. I well remember the day, and the imposing character of the ceremonies. The Hall of the House of Representatives had been refitted and furnished with fine desks, chairs, sofas and ottomans, and damask curtains, such as it never contained before. The capitol was besieged by a dense crowd of citizens from different parts of the State, who had come up, many of them attended by their families, to be present at the installation of the Governor elect; and the occasion was heightened by the fact, that the Executive office had been filled for six months by one who was not elected by the people. As usual, on such occasions, the floor was invaded by ladies—the fair, intelligent daughters of Alabama—who filled the Hall and lobby, leaving little room for the members of the House and Senate. The press was so great that it was difficult for the Committee of Arrangements, headed by Judge Smith, of Madison, and the Governor elect, to reach the Speaker's stand.

The display was altogether civil, there being no military, drum or fife engaged. Gov. Bagby will be recollected by all who knew him in public life, as remarkable for the dignity and propriety of his bearing on State occasions—scrupulously attentive to dress and manner—in all of which, this day, he came fully up to the character he had long borne as a public man. After an impressive prayer by the Rev. Robert L. Kennon, D. D., of the Methodist Episcopal Church, the inaugural address was gracefully delivered, and was, indeed, a beautiful display of eloquence. The oath of office was then administered by Mr. Speaker McClung, in the presence of the two Houses and the vast audience, with an appropriateness of manner which none could excel and few equal. A ball followed at night, where merriment, display, and pastime afforded much enjoyment to the young people.

#### LEGISLATIVE LABORS.

In those days, afternoon sessions were generally resorted to the second week, and business proceeded with energy in both Houses. The Legislature was made up, in the main, of substantial men of much experience, and close identity with the interests of the people; so much so that economy of time was regarded as a saving of money. The expenses of the State Government were drawn from the banks. There was no State tax collected; yet expenditures were closely scrutinized. How the capitol, or rather the Representative Hall and Senate Chamber, came to be so finely furnished that year, or by what authority, I never heard; but I recollect how difficult it was to get members to vote the appropriations to pay the bills; and nothing but the fact that it had been used during the session, and members felt that they were thus committed in good faith, secured the payment; for, if the appropriations had been asked for in advance, it would most probably have been denied. To show how well the public treasury was guarded in those days, the Comptroller of Public Accounts was required by law to make a report of payments from the Contingent Fund within three days from the meeting of the Legislature, which report had to show every item clearly set forth; and this report was printed and laid upon the tables of members, who were apt to scan it closely. It is not my purpose, in saying this, to

draw invidious comparisons with after times; but I desire to show in this respect the character of the men who guarded the public interest with watchful and frugal care, and have in this, as in many other things, left a good example for the imitation of their successors.

As already said, the banks and the pecuniary embarrassment of the people, formed the absorbing subject in both Houses; but there was much diversity as to the measures of relief, or, really, whether any legislation thereon would avail anything, unless it was directed to a reformation of the evils which had crept into the management of these institutions. It has been noticed elsewhere how this was gradually introduced, until really the whole system seemed to be imbued with selfishness and favoritism in the management, in utter disregard of the interests of the State and people, who were bound to make good the losses in the payment of the bonds. But it is astonishing how men are controlled in their opinions and actions in such a case by the complex surroundings and difficulties of an undue influence. Many gentlemen were disposed to go the full length of measures for reformation, but were threatened in all their efforts by influences brought to bear upon a majority, who were led by the conviction that another policy would be better. And after getting in all the reports from the banks, exhibiting a fearful amount of *suspended debt*, and indebtedness by directors, they concluded that little else could be done than to change the regulation of directors, many of whom stood in an unfavorable light in the matter of indebtedness, etc.

As the time for electing the several boards approached, (the heel of the session,) candidates for bank directors began to arrive in great numbers. The charters allowed fourteen to each of the banks, making three score and ten, in the aggregate, to the State Bank and its four branches, and more than thrice that number were in attendance as candidates, thronging the capitol and besieging the rooms of members, and furnishing at the restaurants oyster suppers and other entertainments to secure votes. An anecdote illustrating this is here given. A member (Mr. Sullivan, of Perry,) died, and the House, in respect to his memory, resolved that the members wear the usual badge of mourning (crape on the left arm) for thirty days. This was a mark by which members

were known, and was especially noticed by the candidates for the bank directorships who had not the advantage of extensive personal acquaintance. It so happened that E. Herndon, of Benton county, in one of his trading excursions, came to Tuscaloosa about this time. He liked attention, was social in his feelings, and sharp and observant of the best means to accomplish his ends. Seeing the magic influence of crape on the arm in the attention it received, especially in the articles of good cigars, liquors, and oysters, he at once assumed the character of a member, by wearing the badge, and soon found himself the recipient of many civilities, and being that way inclined, he made a good thing of it.

Mr. Daniel P. Bestor, of Greene, a gentleman of high culture, and devoted to the cause of education, especially in the common schools, went to work early in the session, and applied himself assiduously to the improvement of that system upon the statute book; and to his efforts the State and the people are indebted for valuable progress in the school laws. This was the last session in which he served as a member, and I, who was frequently in association with him toward the close, could not fail to perceive that he seemed worried and somewhat disgusted. But he succeeded, to some extent in his efforts some years afterwards when I occupied another department in the capitol. Mr. Bestor called one day, and in the course of conversation, in reply to the inquiry why he had so soon relinquished public life, he stated that the events of the session of 1837 had pretty well disgusted him with public life; that in canvassing his school bill among the members, and advocating the efficiency of common schools, he was frequently met with the reply: "I don't know anything about your bill, but will say that I have a friend I want elected a bank director, and if you will vote for him I will vote for your bill."

This was the last election of directors by the Legislature until the charters were amended by reducing the number to six, and imposing restrictions which made the occasion a decent one. And it was well for the character of the State and of the Legislature that the change was made. In the elections this year (1837) there was an exhibition such as has been often witnessed at the ballot-box in times of political excitement and demoralization, not only by many of the candidates, but by not a few of the members.

No rules, in joint elections by the two Houses, existed then, requiring a member to vote from his seat when his name was called in appropriate order, and at least one-third of the members failed to vote on the first call. Enough voted, however, to indicate the strength of candidates and the chances for election. Then the members who had purposely omitted to vote on the first call, had it fully in their power to elect, and thus secure an influence with the directory. And they did so, doubtless, to a great extent. So disgusted was a majority of the members at this conduct, that early in the next session a joint rule was adopted which removed this evil in the future. I would not have it inferred for a moment that all the candidates for directorships, or members of the Legislature, were involved in this canvass. Many of the former were not at Tuscaloosa during the session, but remained at home, depending on a good reputation to carry them through, and quite a number of such men were elected; and a large majority of the members were devoted to a reformation in the management of the banks, especially in the directorships, and had the satisfaction to procure the defeat of many candidates who were considered unworthy of confidence.

#### STATE COTTON AGENCY.

At this session the subject of selling produce in Mobile by commission merchants was ventilated and thoroughly discussed. Mr. L. A. Weisinger, a member of the House from Perry, brought in a bill intended to provide against alleged abuses in the sales of cotton, by establishing a public ware-house, and selling cotton under the patronage of the State, through officers appointed for that purpose. The debate took a wide range, and consisted no little of allegations, the offspring of pecuniary difficulties and losses. Judge William Smith, of Madison, took the lead in support of the bill, assisted by Mr. Weisinger and others—Mr. Martin of Benton, Mr. Cottrell of Lowndes, and Mr. Columbus W. Lee of Perry. Gen. Bates of Mobile, opposed the bill at every step, and never faltered in meeting and repulsing the many attacks made upon the business men of Mobile; and when, at last, seeing the bill would pass, he proposed an amendment inflicting penalties on planters for impositions practiced upon commission

merchants in getting advances on cotton to be shipped, and selling it afterwards to other persons, and for plating cotton by good qualities on the outside of a bale, from which samples are usually taken, while the interior was often filled with a very inferior kind, and even in some with seed and rubbish. The previous question was called and sustained, cutting off the amendment, and the bill was thus forced through.

I feel it my privilege to speak of this legislation (1837) in terms of disapprobation, for the tone and spirit manifested in the debate, and in the provisions of the bill, against the commercial emporium of the State, which really should have received the fostering care of the Legislature. Instead of this, the debate, in its charges against the place, in general terms, was calculated to produce an undue prejudice abroad. That there had been some transactions by commission merchants, in their dealings with planters, which could not be defended, was possible. Such take place, more or less, in all channels of business. But it was seriously doubted by many cool, deliberate men, whether the merchants of Mobile had not suffered even more from the tricks of the planters, than the planters had suffered from merchants. But a revulsion was upon the country. Men suddenly found themselves poor and straitened so suddenly after a season of unexampled prosperity; and the public mind was so generally exercised in misgivings and repinings, that they must have a victim. In this case the victims were the commission merchants and business men of Mobile; for the provisions of the bill were indiscriminate.

Mobile never had a more faithful Representative on the floor of the House than Gen. Bates proved on this occasion. He made a protest against their action in the passage of the bill, and many a member winced while it was being read in the House. It was bold, truthful, pointed, and rather denunciatory of the majority, and vindicated his constituents manfully against the insinuations and aspersions contained in the bill. So strong was it, that after it was read a member moved to lay the protest on the table, alleging that it cast personal reflections upon the majority, and especially upon some members of it; and that under the privilege of the protest he had attacked personally the motives of members. In reply to this imputation, Gen. Bates in his place declared that

he was personally responsible for everything contained in the paper. The House refused to lay it on the table, and ordered it to be spread upon the Journals, where it may be seen at page 202 of the House Journal, 1837, a monument of the faithfulness of a Representative in his vindication of his constituents in the city of Mobile. Afterwards, Mr. May of Tuscaloosa, offered resolutions censuring the author of the protest; but they were never acted upon by the House. The bill passed the Senate and became a law; and, in pursuance of its provisions, Gov. Bagby appointed a commission of three distinguished citizens of Mobile, to examine, consider, and report a plan for an extensive ware-house, where the produce of all sorts coming to the city for sale could be stored, and disposed of under the supervision of proper agents, to the exclusion of all other factors. Those gentlemen reported the plans of extensive ware-houses, and they were laid before the Legislature, accompanied by drawings of the ground-floor, upper stories, etc. But here the matter ended in nothing.

I have often thought of this measure and its purposes, since passing through the business portions of Mobile a few years afterwards, and seeing the large amount of produce sold in large quantities every day, and the hundreds of thousands of bales of cotton on the wharves and in ware-houses, sold by honest commission merchants and dealers to ready purchasers, and could not resist the conclusion that the members of the Legislature who passed the bill providing for a system of trade—narrow, selfish, and destructive to the free exercise of mercantile competition, which is the life and development of a commercial community—had but little conception of the future extent of the business that would be transacted by a high-toned, honorable class of merchants, in building up and enlarging the city and business they were seeking to destroy.

#### UNIVERSITY CEREMONIES.

At the Commencement Exercises of the University of Alabama during this session (1837) its Presidency changed hands. This institution is so closely connected with the State that it will not be considered out of place to speak of it in passing. It was founded by a liberal grant of land by Congress. The trustees

were elected from the different judicial circuits by joint vote of the two branches of the Legislature, and the trustees elected the Faculty, and made by-laws and regulations for the government of the Faculty and students. The Governor was President of the Board of Trustees, and *ex-officio* a member of it. The members of the Legislature and officers of State were annually invited and expected to attend.

The Rev. Alva Woods had been the President many years; but difficulties had arisen, of which it is not now necessary to speak, which induced or obliged him to resign, and the Rev. Basil Manly, D. D., of Charleston, South Carolina, was elected in his place. The circumstances attending the resignation of Dr. Woods had attracted general attention, and the occasion of installing a new President, whose election was hailed as the dawning of a new era in the history of the college, had brought together a large number of the leading citizens and families of the State, and the day presented a vast multitude of Alabama's noble men and women. There was but one graduating speech, and that was by Walter H. Crenshaw, of Butler, whose future connection with public life and its rewards will bring him frequently to the notice of the reader in the course of these reminiscences.

Dr. Woods delivered his valedictory, which was lengthy, erudite, cold, and formal, showing a good deal of the blood and temperament of the author. This was the first occasion of the kind I had ever attended, and although deeply interested in everything, and paying the closest attention for fear something would be said or done that would be missed, and without assuming a manner and decorum that would make it appear I had been familiar with such exercises, and was well at home within the walls of a college, (the first really I had ever entered,) I did not feel competent to pronounce judgment upon the discourse, as everybody was doing, I reckon mostly out of compliment to a retiring President. As Dr. Woods concluded, and while the audience were cheering, (which was regarded by some as *equivocal* in the motive,) the robe of office as President was lifted from his shoulders, and transferred to Dr. Manly, who was brought forward and presented to Gov. Bagby for installation. This portion of the ceremony, on the Governor's part, consisted in the delivery of a large bundle

of keys of the buildings, saying that he invested him with the control of the premises and dignity of the office; and a few admonitory remarks in rather a low tone, expressed with clearness, and enforced by several shakes of the left hand, with the forefinger pointed. Dr. Manly, holding the bunch of keys in his hand, made his acceptance; first to the Governor as President of the Board of Trustees, and then, advancing to a table, delivered his inaugural address, which was well conceived and delivered, and warmly applauded by a delighted auditory.

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### CHAPTER III.

#### *Political Topics—Men of Action Introduced.*

The subject of National politics engaged the attention of both Houses of the Alabama Legislature at the regular session of 1837. Mr. Van Buren had been elected President the year before, and soon after his accession to office, he issued his proclamation convening Congress, to consider the state of the country under the severe revulsion, and especially the financial question, as connected with the operations of the Government. The banks had all suspended specie payment, and in many instances were worthless. The receivers and custodians of the public money at several of the important centers had squandered the funds of the Government, and had withdrawn to foreign countries to avoid punishment. There was no confidence or credit, no cheerfulness or hope; but, on the contrary, wide-spread ruin seemed to brood over every pecuniary interest.

In his message to Congress, on its assembling in September, 1837, Mr. Van Buren recommended, among other things, an entire separation of the Treasury Department from the banks—consequently the discontinuance of the local banks as the depositories of the public money, and the establishment of a *Sub-Treasury*,

with receivers of the public money at leading commercial points, and nothing but coin to be recognized in the transactions of the Government.

This recommendation met with favor in some of the leading men of the South who had stood in direct opposition to the Democratic party, and especially to Mr. Van Buren, its head and leader. It was understood, at this session of the Legislature, that Mr. Calhoun of Dallas, Mr. Dixon H. Lewis, and other prominent leaders of that wing known for years as the State Rights or Nullification party, favored this policy. This organization had existed since 1832, and while it never attained in numbers to the control of the State, it exerted no little influence as a "balance of power," check and ally; and the more so, as it was made up mainly of gentlemen possessing a high order of talent, highly educated, wealthy, occupying high social positions, and bold and decided in the advocacy of measures and principles in consonance with the feelings and sympathies of Southern men, especially the younger ones. They had voted generally with the Whig party, for Judge White in the Presidential election of 1836, and were regarded as more in sympathy with it than with the Democratic party, especially under the lead of Gen. Jackson; were patriotic in their views and votes, looking, highest of all, to the maintenance of those great principles which would protect the States in the undisturbed exercise of their "sovereign rights."

By a large number there was much prejudice entertained, especially among the masses, and what were termed the "flat-footed" Democrats, against this class of politicians known as *Nullifiers*, not a few attaching to it a stigma little less than treason. In some instances, candidates for office before the Legislature were a little cautious in going among them for votes, and when they did go, it was with secrecy and tact, lest the dominant party should suspect them. An anecdote in point is told of Col. T. B. Tunstall. In 1834 he was a candidate for Secretary of State in opposition to E. A. Webster, of Jackson county. He had long been Clerk of the House, and was popular. The State Rights men were disposed to vote for him quietly in concert, as they usually voted, especially as Mr. Webster was distasteful to them as a "*Jackson Democrat*." Col. Tunstall was asked, [during the canvass, if he

expected to get the vote of the Nullifiers? He replied, with no little assumption of manner, that he did not—he hoped not—as it would “put him upon *explanations* if they voted for him, and he did not wish to be bothered with such things.” This reached the ear of Columbus W. Lee, of Perry, a member and leader of that organization, and in the election that vote was cast for Mr. Webster, electing him. I am indebted for the incident to Mr. Lee himself, who was a gentleman of strong convictions and feelings, and promptly resented any insinuation upon his principles or associates.

#### SUB-TREASURY SCHEME.

Some time after the two Houses met (1837), resolutions were offered in the Senate favoring Mr. Van Buren’s plan of divorcing the Federal Government from the banks in the management of its financial affairs, which gave rise to a general discussion, in which Messrs. Elmore, Terry, Mr. President Beene, and Posey advocated, and Messrs. Burke, Crabb, H. C. Lea, Rains, Riddle, and Wallace opposed the measure. The subject was new, and the discussions, which were conducted with much spirit and ability for several days, drew attention, not only of the visitors to the Capitol, but of the papers throughout the State. Politicians were about to enter upon a new issue before the country, involving the question of finance, at a time of much pecuniary derangement; and while some entered the field boldly, with clear convictions, determined to go forward without halting, there were others who could not see their way clear through the difficult questions. At length, after many parliamentary moves to change the resolutions which had been brought forward in rather an unprepared state, Mr. Elmore, the Senator from Lowndes, proposed an amendment, which had doubtless been prepared by political concert, as follows:

*Resolved*, That in the opinion of the Legislature, it is expedient that the revenues of the Federal Government be so collected as ultimately to save the Government from all connection with banks.

*Resolved*, That in the opinion of this Legislature, the revenues of the Federal Government should be so deposited, kept, and disbursed, as not to be connected with or used in banking operations.

*Resolved*, That it would be unconstitutional, inexpedient and dangerous to incorporate a National Bank for managing the fiscal operations of the Federal Government.

Messrs. B. W. Hudson and Neill Smith, Democrats, were in favor of, and voted for, a motion to strike from the last resolution the word "unconstitutional," while Mr. H. C. Lea and Mr. J. B. Wallace, gentlemen who stood high with the opposition, voted against it. These resolutions, after a good deal of parliamentary tact, were adopted by a vote of yeas 19, nays 12; among the latter were the names of Mr. T. S. Mays, of Montgomery, and Mr. B. W. Hudson, of Franklin, who the next year were in full accord with the Democratic party, upon a more explicit declaration of the principles contained in the issue.

In the debate upon the question touching the specie clause of Mr. Van Buren's policy, some gentlemen took the ground that the Government should receive the notes of specie paying banks in payment of public dues, especially for the Public Lands; and this position was wisely taken for party purposes, as it elicited the approbation and support of men who wished to secure to themselves homes, and at the same time enlisted the support of the local banks that were striving to resume specie payments at no distant day, and looked upon the *specie feature* of the Sub-Treasury as likely to embarrass their operations.

After their passage in the Senate, the resolutions were communicated to the House; and when they were read, Mr. J. M. Calhoun, of Dallas, rose in his place, and said that he was prepared to vote for every one of them; but the session was far advanced, members were determined not to remain longer than Christmas; the questions of bank policy had not been settled, and on his motion, by general consent, the resolutions were allowed to lie upon the Speaker's table—the subject to be brought forward at the next session in a more specific and organized form, as we shall see. After fixing upon two or three periods to adjourn, in the hope of getting away before Christmas, the two Houses were obliged, by considerations of the public interest, to rescind, and having completed the business on the morning of the 26th of December, at 11 o'clock, then adjourned *sine die*.

## RETIRING MEMBERS.

JESSE BEENE was a Tennessean, and came to the State of Alabama early in its history, settling at Cahaba, the then Seat of Government. He became engaged in political alliance, ranging himself on the side of the Democratic party, which relation was strictly maintained through his life. He was a lawyer, and became extensively engaged in the practice, amassing a fine property. Several times he was elected to the House from Dallas, and then to the Senate, of which body he was elected President. He was regarded then as an aspirant to Gubernatorial honors, and his bearing in his intercourse with his party proved it. Indeed, he was looked upon with general favor for that position for a time, and there were not a few who predicted that he would succeed Gov. Bagby. He attended the Democratic Convention in December, 1839, as a delegate from Dallas, and was made President of that body. His speech on taking the chair was violent, and denunciatory of the Whig party, so much so that many of his friends regretted its tone and spirit, not because they believed the Whig party of the State was not open to the objections alleged, but they feared its reactionary influence upon himself; and so it turned out. His chances declined, and his name was not submitted to the Nominating Convention. His health had been giving way for some time, and in a few years thereafter, he died. Without the advantages of early culture, as they fall to the lot of many, Mr. Beene possessed a good practical mind, and was well versed in the details of business; was a good speaker, an ingenious debater, and usually became much excited in his public addresses. He was a gentleman of fine social qualities, and fair conversational powers.

GEN. GEORGE W. CRABB was also a Tennessean, and brother of Judge Henry Crabb, who so long adorned the Bench of the Supreme Court of that State. Removing to Alabama when young, he settled in Tuscaloosa, then the Seat of Government. He was first elected Assistant Secretary of the Senate, and afterwards to the office of Comptroller of Public Accounts, which he held a few years, until the force of party displaced him. Soon

after this, the Indian war in Florida opened, and he went, in a campaign of twelve months, as Lieutenant-Colonel of a regiment raised in Alabama. In this he established a high character for bravery, and for kindness toward those under his command, and returned home the idol of his men. His future preferment was certain. Immediately elected a Major-General, and to the Senate, he took high rank in that body, not only for his excellent business qualities, but for ability in debate. In 1838, upon the death of Judge Lawler, he was brought forward by his friends, and the Whig party, to which he belonged, as a candidate for Congress, in opposition to Harvey W. Ellis, Esq., the Democratic candidate. The contest was animated, and the District was closely canvassed in debate with an ability seldom before exhibited in the State. The public mind was greatly excited, and everybody took sides. Gen. Crabb was elected by a small majority. In 1839, at the regular election, both these gentlemen were again before the public in opposition, and another spirited campaign ensued, which resulted in the re-election of Gen. Crabb. He took position in Congress, from his high personal worth, that reflected honor upon the State. In 1841, in the election under the general ticket system, he was defeated, and left in private life. To the surprise and regret of his Whig friends, he espoused the cause of "Polk, Dallas and Texas," in 1844, and at a public barbecue given by the Democrats at Tuskalooza in June, he made a speech of considerable length and power, in which he reviewed the former relation of Texas to the United States; the circumstances under which it was ceded to Spain in 1819; the opposition of Mr. Clay to that treaty, as shown by his speech in the House of Representatives, April 3, 1820, on the ground that he (Mr. Clay) considered Texas of greater value to us than Florida; and the general opinion entertained by the Whigs of the South that Mr. Clay was in favor of annexation until the Raleigh letter of April, first published in the "National Intelligencer," announced his disapproval of that measure, with the reasons assigned, which Gen. Crabb did not consider satisfactory, and at once determined him to cooperate with the party which had made the annexation of Texas an article in its platform. This brought him in unison with the Democrats at least upon that question. The elaborate speech of Gen. Crabb

was extensively published in the newspapers, and henceforth he ceased all connection with the Whig party, of which he had been a shining light since its organization under the gallant lead of Mr. Clay.

In February, 1844, I was in Mobile when the Hon. Henry Clay visited that city, on his Southern tour to fulfil an engagement at Raleigh, to be present at the celebration of his sixty-seventh birthday, April 12, 1844. A committee of twenty had been appointed by the Whigs of Tuscaloosa to wait on Mr. Clay in person, and to invite him to the hospitalities of the Seat of Government. Gen. Crabb was then in Mobile, and through his civilities, the intercourse between Mr. Clay and the committee was rendered very pleasant. Though differing politically from all the parties engaged in this mission of respect to their illustrious chief, as the members of the committee were my fellow-townsmen, and some of them my personal friends, I take occasion to introduce their names as a memento of other days. The gentlemen of the committee present in Mobile, were Robert Jemison, Esq., chairman, Marion Banks, Alfred Battle, William Braly, Thomas Carson, J. C. Clements, Gen. Dennis Dent, Dr. John R. Drish, Capt. Otis Dyer, John Fitch, Dr. Rufus Haywood, Robert Lacy, Stephen F. Miller, Daniel T. Nooe, Major Hardin Perkins, Dr. Nicholas Perkins, A. P. Pfister, and Hon. Benjamin F. Porter.

After this brief digression, I return to Gen. Crabb, who was appointed by Governor Martin, in 1846, Judge of the County Court of Mobile, the duties of which office he faithfully discharged. His declining health induced him to pass the Winter of that year in Havana, Island of Cuba, and the next Summer he visited Philadelphia to consult the best of the medical faculty, where he died in 1847.

As to the personal character of Gen. Crabb, there can be no diversity of opinion among those who knew him. He was the model of a high-minded, chivalrous, upright gentleman in all the relations of life, public and private. His talents were of a high order, and his dignity was never compromised by any departure from the strictest propriety of conduct. His grave at Tuscaloosa may well be visited as a shrine where the purest affection and patriotism may offer its tribute in honor of the noble dead, and to stimulate the virtues of the living.

JAMES B. WALLACE likewise came from Tennessee to Alabama, and settled in Lawrence county, where he filled the office of Judge of the County Court, and was twice elected to the Senate, in which he served with distinction as a member of the Whig party of the State Rights school. In 1838, upon the death of Judge Henry Minor, he was appointed Clerk of the Supreme Court, which office he held for ten years. In 1851 he was elected from Tuscaloosa a member of the House of Representatives, in which capacity he gave the State the benefit of enlarged experience and observation in public affairs. In 1853, he was again a candidate, but died suddenly before the election, of apoplexy. Judge Wallace was certainly a gentleman of intelligence and culture, well read in history and biography, with quite a taste for literature. Of fine person and manners, he was a good type of the gentleman, and filled a wide sphere in associations with the first intellects of the State.

JOHN M. BURKE was for many years connected with the legislation of the two Houses. Industrious and attentive to his duties, with a fine business talent, he made himself useful in the councils of the State, and was held in high esteem at the Seat of Government, and wherever known. A premature partial deafness no doubt caused him to retire from public life, as, to some extent, it embarrassed him upon the floor of the Senate. He was an opulent, intelligent planter of Wilcox county, active and enterprising, so that his usefulness did not cease upon his becoming a private citizen; but he devoted all his powers to the improvement and independence of his State in agricultural and commercial pursuits. He traveled much and observed closely, and dispensed liberally the advantages of information gained. Of Irish descent, he was a genial, polite gentleman, and filled a large place in the social circle. He died many years ago.

JOHN T. RATHER, of Morgan, retired voluntarily this year, in the meridian of life, carrying with him the regrets and respect of a large number of friends. He became connected with the State Government at an early day, and assisted in the enactment of those fundamental laws, which, amended and improved in the

progress of events, have become the settled landmarks of the State. A quiet, working member, with a good fund of common sense, and intimate knowledge of the wants of the people; with feelings and sympathies in common with the masses, he was eminently qualified to act an important part in the important work of laying the foundations of the State Government. A sagacious turn in managing men, and directing the political movements of his (Whig) party, he was looked to as a leader. He was a gentleman of unobtrusive bearing and manner, a boon companion in the social circle, witty, and with a rich fund of anecdotes, which he told with much *gusto*. Few men were regarded with more favor in the Legislature. Withal, his habits were good, rather abstemious, and consistent as a professor of religion, which brought about him the respect and society of that class. From 1837 to 1865 he continued in retirement, in the peaceful pursuits of agriculture, and exerting a salutary influence upon the community and section in which he lived. That year, his old constituents and their descendents called him to a seat in the Constitutional Convention, and he aided in framing the State Constitution of 1865. At the present writing (1870) he still lives, respected for his virtues, and venerated for the past.

JOHN RAINS, the Senator from Marengo, was a native of Newbern, and graduated at the University of North Carolina in 1823, and read law in the office of Judge Gaston. He removed to Alabama, and opened a law-office at Linden, where, by his talents, he soon rose high in public estimation. Entering the Senate early in life, he was made Chairman of the Judiciary Committee in 1837, in deference to his service in that body, and his acknowledged abilities. His early prospects were flattering, with promise of much usefulness and success; but he too soon fell a victim to the influence of convivial habits, brought about, it was supposed, by the too ardent caresses of admiring friends. He was usually quiet, and fully up to his business in the Senate, as his reports show. He was a Whig in the political classification, and in the debate on the financial policy of the Government, made a strong argument against the Sub-Treasury scheme of the Administration. This was his last speech in the Senate, and in a few

years thereafter he died. Mr. Rains was a modest gentleman, of quiet address, and observed the strictest rules of propriety in his deportment. He was much respected by men of all parties.

[NOTE.—On reflection by the author, Mr. Rains did not retire until after the session of 1838.]

#### MEMBERS OF THE HOUSE.

During the session, one member died—Mr. Dunklin Sullivan, of Perry—who was a lawyer of respectable character, matured by a long residence in the State, and many years experience in the Legislature. He was buried with the honors usual on such occasions. An appropriate and eloquent address, for the funeral, was delivered by the Rev. D. P. Bestor, a member from Greene.

ALFRED V. SCOTT.—Several gentlemen retired from legislative service at the end of this session, who deserve attention in the record here made up of passing events. Col. Scott, of Montgomery, had served a number of sessions in the House of Representatives, in which he sustained himself as a well informed, intelligent gentleman. He was a son of Gen. John Scott, formerly of Milledgeville, Georgia, and was allied with a large and influential connexion in the middle and southern portions of the State. He was highly educated, had mingled extensively in polite circles, had fine taste, which was cultivated by extensive reading and travel, and conversed with ease. Modest and unpretending, with little inclination for public employment, he still drew around him in his public position a large number of admirers, who appreciated his character as a gentleman of the highest standard. Retiring while young, comparatively, he devoted himself to private culture and to his large estates. He took a leading part in the session of 1837, on the subject of the banks and currency, applying his efforts mainly to reform the errors in the management of these State institutions. His position in the House is indicated by his being a member of the Committee on the State Bank and Branches, and next to Judge Smith, the Chairman.

JOHN W. WOMACK had been several years a member from Butler, and had established a character for intelligence and efficiency as a legislator. He entered public life very young—enthu-

siastic, full of life and vim and humor. His social qualities were rarely excelled—warm-hearted, generous, and constant in his friendships, forbearing and forgiving to the infirmities of his fellow-men. He was truly a boon companion, the center of the circle, and his society was sought by many who admired his character. In 1836, when excited by the political questions of the day, in a moment of conviviality, he addressed a letter to Gen. Jackson, as President of the United States, returning a document which the President had franked to him as a member of the Legislature. The letter was sharp, stung deeply, and was very unguarded in the language used to so eminent a person. Many of his political friends condemned it as impolitic. Mr. Womack, however, was so well pleased with it himself, that he had it published in the Whig paper at Tuskaloosa. It caused a mighty stir throughout the State, and while the Democratic papers denounced it in unmeasured terms, the Whig papers hesitated in defending it. The sensation seemed to moderate, and Mr. Womack was elected by the people again and again. For a few years, he had a season for “sowing wild oats,” but that passed away, and “Richard was himself again,” in all the attributes of a man, physically and mentally. Nature had been lavish of her gifts upon his person. He was tall, without being attenuated, well developed, straight as an Indian, and with a person and manner at once dignified and commanding—a voice deep, sonorous, and well modulated. He had a fine sense of the ludicrous, and his descriptions of scenes of this character were rich and racy. In 1840, he married a lady of wealth in Greene county, where he thenceforth resided. In the meantime, his political opinions underwent material modifications, so much so that he was soon in alliance with the Democratic party, and in 1844 took the stump for Mr. Polk. As was natural to any gentleman of his endowments; he entertained a laudable ambition for high places; but his way was hedged up by that unfortunate letter. Many of the Democratic party never forgave him for it—improperly, as I think with a knowledge of the facts. But in those days there was a *hard-shell Jackson Democracy* that never relaxed—never forgave; still, in 1847, in the Congressional Nominating Convention at Tuskaloosa, over which Mr. Womack presided, I am sure that he could have been nominated with

unanimity instead of Mr. Samuel W. Inge; and he was importuned to accept, but, from some cause, he positively declined. About this time, Mr. Womack was referred to in a complimentary manner by a Democratic editor, as likely to receive a foreign mission of high grade from the President. He continued to occupy the relation of a private gentleman and citizen, which he filled in its requirement.

During the session of 1851, Col. Judge and myself were returning together from the Capitol after adjournment. Just before we reached the Montgomery Hall, Mr. Womack advanced from the corner, meeting us. After a cordial shake of the hands, and our expressions of pleasure at seeing him again, he made no reply, but continued looking at the stream of members coming from the Capitol, saying, "Where is this man *Bulger*? I have come all the way here to see him; the name strikes me as having something in it—show him to me." It is needless to say he was alluding, in a vein of humor, to Gen. M. J. Bulger, of Tallapoosa county, on account of some peculiarity in the name.

Col. Judge told me that when he first commenced the practice of law, one of the first writs he issued was against Pierce A. Lewis, in which the word "summon" was accidentally omitted, thereby commanding the Sheriff to ——"Pierce A. Lewis." Mr. Womack, who was a great friend of Col. Judge, entered a motion to dismiss the writ on the ground that it required the Sheriff to do an unlawful thing, nothing less than to *pierce* A. Lewis, his client. He went on in his peculiar vein for some time, showing the enormity of the action commanded to be done; and then turned over to the cause of action indorsed on the writ, on the bottom of which Col. Judge had signed his name, with initials "P. A." following, for "plaintiff's attorney." Mr. Womack read it, and noted the two capital letters, saying, "Now, if your Honor please, I don't know what these letters mean, unless it be to *pierce him again*." The young attorney who brought the action thought his case was gone; but the Court, after indulging Mr. Womack in his farce, refused the motion.

About the conclusion of the war between the States, Mr. Womack died suddenly, regretted by many friends, including those of thirty years' standing.

DANIEL P. BESTOR also terminated his connection with the Legislature at this session. He was a gentleman of high culture, extensive reading, and a minister of the Baptist Church. He possessed great purity of character and moral worth, and was more at home in the pulpit, and in the atmosphere of literature and religion, than in the Legislature. Leaving to others the management of the bank questions, he addressed himself, early in the session, to a measure for improving and equalizing the advantages of common schools. The better to succeed, he asked the House for a special committee on the subject, which was granted, and he, of course, was placed at its head. He labored much and patiently upon his favorite scheme, and at last reported it to the House, where it at once encountered the opposition of Judge Smith of Madison, Mr. B. G. Shields of Marengo, who was Chairman of the Committee on Education, and some others.

Mr. Bestor obtained the floor, and delivered a speech in support of his bill, which placed him at once in the front rank of speakers in the House. His style was smooth and rich, his manner graceful, and his delivery fluent and agreeable. Among other things, the bill contained provisions for a more rigid discipline in the common schools, and this was one of the points on which it was assailed. In reply to the objections, he argued to show the necessity of early training and control, not only in the schools, but also in the family; and while doing so, in conclusion upon that point, he uttered this sentence: "Let a young man grow up without restraint, to disobey his mother, and hector it over the servants at home, and he is as unfit to submit to proper government in your higher schools and colleges as the wild horse of the prairies, who snuffing wind in the pride of his strength, is unfit at once to perform all the graceful movements of the equestrian circus." Notwithstanding this effort, the bill was, a few days after, laid upon the table.

In 1839 I attended a Temperance Convention at Tuscaloosa, during the session. Mr. Bestor was there, active in his efforts to promote so good a cause. A proposition was made to memorialize the Legislature to pass a restrictive law, as an adjunct to the efforts of the society. Mr. Bestor opposed it in a speech, in which, among other things, he said: "What was to be expected upon the subject

of temperance from a body of men, a majority of whom were wafted to their seats upon the tide of ardent spirits?" Mr. Bestor devoted a long life in doing good, and bore the character of an upright Christian gentleman. He died in Sumter county a few years ago.

ROBERT BRODNAX, of Clarke, served in the House previous to 1837, when I first knew him. In the Whig party, and as an advocate of State Rights, he was a master spirit. He had represented Autauga many years. He afterwards removed to Mobile, where he established a commission house. Thence he went to Cuba, where he remained two years, to obtain a knowledge how to raise the Cuba tobacco, and settled in Clarke county, where he engaged in the cultivation of that plant.

In 1860, he supported Bell and Everett, and was opposed to secession; but, after the step was taken, his resistance to Northern aggression was intense. In 1863, he was elected to the Senate, then quite an old man, yet exhibiting the traces of former nobleness and command. After the surrender he emigrated to Brazil.

JOHN A. ELMORE was a native of South Carolina, and son of Gen. John Elmore, who removed to Alabama, and in whose honor a county has been named. J. A. Elmore commanded a company of volunteers in the Creek war of 1836, and has since been generally known as Captain Elmore. He was elected to the Senate from Lowndes county, in 1837, and took an active part in giving strength and direction to the State Rights party, of which he was a member. He afterwards removed to Montgomery, where he still resides. For several years he was the law partner of the Hon. William L. Yancey. In 1865, he was a member of the State Convention which formed the Constitution of that year.

As a lawyer, Captain Elmore has always maintained a prominent rank. In all the relations of life he is high-toned and agreeable, with a character for integrity surpassed by that of no citizen. He is now considerably advanced in years, and has the satisfaction of looking back upon a useful and honorable career.

In 1860, he was appointed, by Gov. Moore, Commissioner to South Carolina, to consult with the authorities of that State upon

the political situation. In early life, Captain Elmore married Miss Martin, of his native State, an accomplished lady, who was connected with the large and influential family of that name.

SAMUEL B. MOORE, of Pickens, as President of the Senate in 1830, succeeded to Executive functions until 1831, to fill the vacancy caused by the resignation of Governor Gabriel Moore, who was elected a Senator in Congress. In 1837, he again served in the Senate, and then retired from public life.

For a number of years he was Judge of the County Court, which office he filled to the satisfaction of the people. He was a gentleman of fair abilities and strength of character, and always enjoyed the confidence of the people. Judge Moore never married.

The two Houses, as stated, adjourned the day after Christmas and the members returned home to satisfy their constituents, if possible, and to prepare for the coming elections in August, which, in those days, were annual, a provision which existed in the Constitution from the organization of the State Government, in 1819, to 1845, when it was amended so as to authorize biennial elections.

In the meantime, the plan of the Administration to divorce the Government from the banks was extensively discussed in both Houses of Congress, and the public mind, throughout the country, taking up the arguments used and disseminated, drifted into position. In the Spring of 1838 the bill passed the Senate, but failed in the House. Mr. Calhoun, as the leader of the State Rights party, advocated the measure, with what was then known as the *specie feature*, requiring all public dues to be paid in coin.

## CHAPTER IV.

*Progress—Session of 1838.*

In the course of the Spring and Summer of 1838, parties were organized mainly upon the financial questions, and upon the divorcing of the Government from the banks. Upon this issue and its influence on the position of the local banks, much feeling was elicited. The leaders of the State Rights school adopted the policy of the administration upon this subject, in its fullest extent, to-wit: an entire separation of the government and banks, in the collection, safe-keeping, and disbursement of the public money in coin. The State Rights men in Alabama generally adopted the views of their leaders, and the canvass for the Legislature this year presented a coalescing of these with the Democratic party. In many counties, the entire ticket elected was taken from the State Rights party, and in others they were mixed according to elective strength. The Democrats had a large majority in both branches of the Legislature. The policy of the State in relation to the banks, as generally advocated, was to resume specie payments at the earliest day practicable. And there were not a few who professed to be well versed on the currency question, who were confident of the ability of the banks to resume specie payments during the Winter of 1838-9, with the use of the appliances and means adopted, looking to that end. At the previous session, legislation had been moulded with a view to resumption.

Although the action of the State Bank in the effort to obtain specie may partially appear in another chapter, when the condition of the banks at different periods is particularly noticed, it may not be amiss to go somewhat into detail in reference to that proceeding. The directory of the State Bank, in August, 1838, determined to enter the cotton market as one of the best means of accomplishing the desired object. Agencies were organized, post notes issued, and advances made to planters on the cotton crop to be forthcom-

ing in the early Fall, to be shipped abroad as a bill of exchange to procure specie. Thus it was expected that the planter would be aided in his crippled condition, and encouraged in raising the staple, whilst all the substantial interests involved would be promoted. The scheme was plausible enough, and for a time gave fair promise of realizing the cherished object. Newspapers contained flaming advertisements of "Cotton Agents," and "Agents for Advancing on Cotton," etc. Post notes were issued, and, as well as the ordinary notes of the banks, used by the hundred thousand; proper forms for receipts, and guaranties, and warehouse certificates were prepared. The agents had their clerks, and matters were conducted with form and ceremony.

#### MEETING OF THE LEGISLATURE.

On the 3d day of December, 1838, the Legislature met. In the Senate, the attendance was nearly full, and Mr. James M. Calhoun, of Dallas, was elected President without opposition. This was a concession by the Democratic party, not only of Mr. Calhoun's acknowledged fitness for the position, but as a recognition of the alliance which had been brought about under the force of the financial question, between the Democrats proper, and the extreme State Rights men. Mr. Jones M. Withers was elected Secretary; Mr. Thomas B. Childress, Assistant Secretary; and A. R. Thomas, Door-keeper. While some change was made in that body by the retirement or transfer to other positions of several gentlemen, there was in some cases an accession of strength, and in the aggregate this Senate was equal to the last. Mr. Calhoun took the place of Mr. Beene; Mr. Cottrell, of Mr. Elmore; Mr. Green P. Rice, that of Mr. Rather; Mr. McClellan, that of Mr. Arnold; Mr. T. L. Toulmin, that of Mr. Roberts; and Dr. King, of Pickens, that of Mr. Moore. Mr. Posey, of Lauderdale, who at the previous session filled the seat made vacant by the succession of Mr. McVay to the Executive, retired, that Mr. McVay might return to the place he had so long occupied.

In the House, ninety-two members, out of one hundred, answered to the call. Mr. McClung and Mr. Shields were both members, and again opposing candidates for the Speakership.

This contest was marked with more spirit than that twelve months before. The uncertain position of Col. McClung upon the engrossing question of financial policy rendered the canvass, for a while, doubtful; but the result was in favor of Col. McClung, 48 to 42. William Garrett was elected Clerk, over P. H. May; Joseph Phelan, Assistant Clerk; Thomas Price, Engrossing Clerk; John Tatom, Door-keeper; and James Rather, Messenger.

The House contained many new members, prominent among whom may be mentioned, John P. Booth of Barbour, William B. Martin of Benton, Walter H. Crenshaw of Butler, G. W. Creagh of Clarke, James M. Bolling of Conecuh, Elisha Young of Greene, Samuel S. Earle of Jefferson, Henry W. Hilliard and George D. Shortridge of Montgomery, Blanton McAlpin and Abner S. Lipscomb of Mobile, William E. Blassingame of Perry, James Abercrombie of Russell, Felix G. McConnell of Talladega, M. M. Burke of Wilcox, and Mathew W. Lindsay of Morgan.

#### GOVERNOR'S MESSAGE.

The annual message of Gov. Bagby was delivered to the two Houses on Tuesday. In it he presented a concise view of the operations of the Government for twelve months. The leading topic of the message was the State Banks and Currency in reference to the pecuniary condition of the State. He alleged many defects in the system under existing laws, and recommended several changes with a view of correcting the evils. The defective organization and management he considered as attributable to the following causes:

1. The want of some general head, or controlling principle.
2. The frequent election of numerous Boards of Directors by the Legislature.
3. The mode of compensating the directors in the shape of discounts and accommodations.
4. In not requiring the banks to keep a large amount of specie in their vaults in proportion to their circulation.
5. The transaction of too large a portion of their business on long time. Under the last head will be included, of course, the unreasonably large sums loaned to individuals.

In regard to the election of directors, he recommended that the

number be reduced to six, the Governor to nominate double that number, from which the two Houses were to elect, and a competent salary to be allowed for their services.

Relative to the advances made upon cotton by the State Bank, the Governor was very explicit in questioning the authority for the exercise of such power, as well as the policy. He used this language:

The arrangement entered into by the Bank of the State of Alabama, on the 29th day of August last, to make advances on cotton, has been brought to my notice in such a variety of ways that I do not feel at liberty to avoid submitting a remark upon it. Perhaps there is no principle more universally recognized than, that corporations possess no powers except such as are conferred upon them by the acts creating them; and that they are not at liberty to undertake to promote one interest of the community, or any portion of it, to the exclusion of the rest; but can only do such things as they are authorized to do by the acts creating them; and they must do such things as they are authorized to do in the mode pointed out by the charter, and in no other mode.

It is readily admitted that the planting interest, which this arrangement was evidently intended to favor, is the most important, and that the planters themselves constitute our surest and safest reliance in any emergency. But they are not entitled to favors to which other classes of the community are not equally entitled, and upon the same terms. The liberties of the people of this country rest on the broad platform of equal rights, and any attempt to discriminate between them, is striking at the foundation of our political system. I am, therefore, of opinion that this, and all similar arrangements are indefensible in principle and practice.

The two Houses proceeded to business with the prospect of a long, arduous session, rendered the more certain from the haste of getting through the previous one, in which many important matters of public interest were overlooked and postponed.

In the Senate, Mr. Riddle, of Greene, continued Chairman of the Committee on the State Bank and Branches; and in the House, these responsible duties were imposed upon Dr. David Moore, of Madison. In both Houses the committee was composed, in the main, of strong men of experience, and representing the various banking and financial interests of the State.

It would be curious, and to some extent interesting, but tedious, and I conceive unnecessary, to note the many propositions brought forward hurriedly by members in relation to the banks. Their titles were various, and generally commendatory of the patriotism and sagacity of the movers. For instance, "A bill to relieve the people and sustain the banks." This was considered a good form for the caption of a bill, without much regard to the substance of the bill itself; and so they came in, and going, as fast as introduced, to the Committee on the State Bank and Branches. The Bank

reports were received, additional information called for and furnished, and with these, and the Governor's views, the committee went to work.

## STATE PRISON.

At this session several important measures were adopted; among them, the establishment of a penitentiary. This measure had been strongly urged by Gov. McVay, in his annual and only message in 1837; but the recommendation was not then acted upon. The fact that the adjoining States of Tennessee and Georgia had adopted the policy, had a good deal of weight with the majority. But the bill encountered strong opposition in both Houses, and passed the House of Representatives by a vote of 48 to 36, and in the Senate by an easy majority. The bill provided that the *site* of the institution should be determined by a majority of the two Houses; who should, also, elect three commissioners to compile for the consideration of the Legislature, a penal code adapted to the change. Wetumpka, Montevallo, Centerville, and Marion were placed in nomination for the site, and, on the first ballot, Wetumpka was elected. Messrs. William Hogan, Malcolm Smith, and A. M. McWhorter building commissioners, etc. The three Judges of the Supreme Court, Collier, Goldthwaite, and Ormond, to prepare a penal code.

This action of the Legislature was an onward step in the march of jurisprudence, and in keeping with the spirit of the age. Mankind had already begun to exhibit those new traits of character in cunning, dishonesty, and villainy, which, in every age, attend progress and development of the productive ability of a people, and especially so in this age. The expansion of paper money and credit had opened a new era, and developed new features of character requiring a different form of punishment, and with greater certainty, which, more than anything else, deters men from the commission of crime. Under the trials of veteran offenders, and the rigid technicalities of the law, with the old punishments of hanging, branding, cropping, whipping, and the pillory, but few men in this day, whatever the enormity of the crime, could be brought to punishment. Public opinion, in its progress, has kept

such modes of penal justice in the back ground, as the relics of a barbarous age. It is proper to say that the Hon. B. F. Porter was the author of the measure establishing a State prison and penitentiary in Alabama. Subsequently his efforts in the Legislature went to the extent of proposing to abolish capital punishment altogether, and substituting therefor solitary imprisonment for life. His speeches on this subject have been published in pamphlet form, and do honor to the goodness of his heart, if not to his sagacity as a statesman.

#### CHANCERY COURTS.

At this session the first separate Chancery Court was established in Alabama. Previously, the proceedings in equity belonged to the Circuit Courts, and were generally deferred to the close of each term, when there was but little time, or inclination by the Judge to consider bills, interlocutory decrees, and the usual motions under this head. The consequence was that many cases remained on the docket for years, without any definite action by the courts; or, if decisions were made, they were frequently incorrect from the hurried and impatient manner in which argument was heard at a time when the patience of the Judge was exhausted by the labors of a long term, or he had special inducemonts for adjourning the court.

An amusing story was told in those days, of a suit in chancery, which I will relate. Mr. Joshua L. Martin had filed a long bill in an important case, in one of the counties embraced in the judicial circuit of Judge S. L. P. . . . . The Court came on, and the session was tedious and protracted. At length the time for taking up the chancery docket arrived, and Mr. Martin, anxious to have a decree, which he expected, of course, to be favorable to the complainant, pressed the consideration of the cause, and his Honor called it; whereupon Mr. Martin proposed to read the bill, which was quite lengthy, covering nearly a quire of paper. It had become "grog-time" of the Court in those days, and the Judge had already entered upon the brief holiday recreation allowed from the adjournment of a court in one county to the opening of one in another, and the sight of a pile of papers was

just about as distasteful to him in that stage, as a cup of cold water to an animal laboring under the first symptoms of hydrophobia. He inquired of counsel what that was he had in his hand? With the respect and suavity of manner for which he was remarkable, Mr. Martin replied: "If your Honor please, it is the original bill, which I propose to read for the information of the Court." The Judge interposed, "You need not read the bill. I shall give judgment against you and dismiss it. The Court will not entertain a bill of such length, and, barring an accident, ten to one if I am not right." Mr. Martin tried to reason and persuade him out of it; but his orders and decrees were like the laws of the Medes and Persians, at least in this case. As might reasonably be expected, the counsel was dissatisfied with the decision, thought it was wrong, and appealed to the Supreme Court. The richest of the joke was, that the Supreme Court affirmed the decision of Judge P. . . .! But this was claimed to be an accident, and did not affect the merits; still the manner in which it was dismissed added strength to the argument for a separate chancery court.

The bill was favored by most, if not by all, of the lawyers in the Legislature; but met with decided opposition from that class of men who, having nothing to do with law, thought the proposed system unnecessary, and likely to entail a new and grievous item of expense on the State. Among the opponents of the bill were, Judge William Smith and Mr. John Vining of Madison, and Mr. Dixon Hall of Autauga. The bill passed both Houses by large majorities. It provided for two Chancellors, one of the Northern, and one of the Southern Division. Judge Anderson Crenshaw, long and favorably serving on the circuit bench of the Sixth Circuit, was elected Chancellor of the Southern Division over his competitors, E. S. Dargan, R. C. McAlpin, and J. B. Clarke, Esquires; and Silas Parsons, Esq., of Huntsville, was elected Chancellor of the Northern Division. Mr. Parsons declining to accept, the Governor appointed E. Woolsey Peck, Esq., of Tuskaloosa, to fill the vacancy.

The election of Chancellor Crenshaw produced a vacancy in the Judgeship of the Sixth Circuit, which office was warmly contested by Messrs. Henry W. Hilliard, John P. Booth, and Nathaniel Cook, as candidates; and after several ballotings Mr. Booth was

elected. Messrs. Hilliard and Booth were members of the House, and Mr. Cook was then but partially known. The successful candidate had figured some in the recent Indian difficulties on the south-eastern frontier, and was an active member of the Democratic party.

Since that period the Chancery Court has gone forward, performing its work as one of the judicial departments of the State, so that it has become closely and materially interwoven with the whole system. Attempts have been made at every session, for years, to repeal or abolish it, without success. Fortunately for the system, and for the country, the chancery bench has been occupied by men of unquestioned talents and integrity, who have left the impress of purity in the administration of the Court.

#### APPORTIONMENT UNDER THE CENSUS.

Another important measure of this session was the bill to apportion the Senators and Representatives according to the census of 1838. Under the Constitution, this occurred every six years—the number of Representatives one hundred, and the number of Senators thirty-three. This was the first apportionment since the settlement of the counties acquired, by treaty, from the Creek, Cherokee, and Choctaw Indians; and the returns of the census, showing the population of the new counties, were well calculated to produce forebodings among the many aspirants, in the older counties that had before enjoyed a large representation in the House. From the first organization of the Government, the weight of political power was on the north side of the mountain. It was compact, united, and well represented in the character and talent of the State. The political complexion of the masses in all that section was fixed beyond a change; and while it was no uncommon event for that portion of the State to send Whigs to the Legislature, it was regarded as a compliment to the personal character and social position, or something so, of the successful one, who considered himself powerless to carry out any of his own peculiar or cherished principles, being in a minority in the Legislature.

The spirit of enterprize and emigration produced by the expansion and its influences, in 1834-'5-'6, moved many men in the

older and worn-out States to improve their condition by removing to a better land. The counties just organized in the Indian country presented fine inducements to all such, and they embraced the opportunity. The new counties filled up rapidly, especially the more northerly ones, where there were fewer Indians and less difficulty about titles; and all at once East-Alabama, which had no existence on the political map, became a power, respected, courted, and dreaded. This portion of the State was readily recognized and received as the fourth part of the commonwealth, wanting in the aggregation of limits until now. To show what had before been the distribution of political power, we have only to look at the representation under the apportionment of 1832, when those counties were organized, many of them with but few white inhabitants. The ratio of representation was raised in accordance with the increase of population, and was, this year, 2,545, and under its operation Jackson county lost two members; Madison, Limestone, Lauderdale, Lawrence, and Morgan one each, that number being added to East-Alabama, which, with the gains from other portions, gave prominence to the political position of that section.

The subject of Federal politics occupied a large part of this session, being the new questions which had arisen touching the finances of the Government. The Whig party opposed the Independent Treasury policy of Mr. Van Buren, *in toto*. The Democratic party supported that policy unitedly, except as to the "*specie feature*," which recognized nothing but coin in the transactions of the Government. A portion of the party advocated the receipt and disbursement of the notes of solvent specie paying banks, convertible into gold and silver at the will of the holder. The opponents of this *specie feature* were backed by the sympathy and support of the local banks, who were struggling for an existence, and holding out the idea of a resumption of specie payments at an early day, and really induced the "*Conservatives*" (as the opponents of the specie clause of the Government policy were then called) to believe that the adoption of that policy by the Federal Government would postpone resumption to a distant period, and continue the ruinous depreciation and scarcity of money which was causing the sacrifice of much property.

On the 7th December, the fourth day of the session, Judge William Smith, of Madison, offered a series of resolutions, which, it was understood were to constitute the platform of the Democratic party, under the union with the State Rights men, as follows:

There are now, and have been for the last five years, two great political questions before the people of this Union.

The first: What is the legitimate currency of the United States under the Federal Constitution?

The second: To whose keeping shall the public revenue be entrusted when collected?

These questions have been, during the whole period, a perpetual source of animated discussion by the people, in their primary assemblies, in their Legislative Assemblies, and in their Congress Halls. To establish what is the legitimate currency, it has been strenuously urged that the Constitution has conferred on Congress the power to regulate the currency, and, under that, power to incorporate a Bank of the United States, as the only means of reducing, through the medium of its bank bills, the currency to the same uniform standard throughout the several States. This power, it is admitted by the advocates of a National Bank, is not derived from any express words in the Constitution itself, but is implied from the uniform action of Congress in granting successive charters, from the adjudication of the courts of justice, and from the current of public opinion in its favor.

On the other hand, this Legislature considers the question of implied powers put at rest by the express negative in the tenth amendment of the Constitution, wherein it is *Provided*, That the powers not delegated to the United States by this Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

This reservation of undelegated powers is, moreover, put beyond a doubt by the action of the Convention that framed the Constitution, in their negative on the proposition to grant charters of incorporation; nor has the Constitution, in any portion of it, recognized any other currency, either directly or impliedly, but gold and silver; and has positively declared that nothing but gold and silver shall constitute a tender, and it is certainly a political paradox which admits of no solution, to call that which is declared by the supreme power of the Government to be no tender, the currency of the most commercial nation in the world.

In whose keeping the revenue shall be intrusted is a question of vital importance to the American people, and the great contest is, whether it shall be confided to the keeping of the agents of the Government, selected from the great mass of the community for their good morals, high-standing in the community, immediately responsible to the Government under all the obligations it may think proper to exact, and all the penalties it may think proper to inflict; or, to that of the banks of a thousand, or ten thousand stockholders, whose avowed object is gain, and whose responsibility, from their numbers, their perpetual shiftings, and their independent relation to the Government—neither appointed by it nor under its control—can never be concentrated nor safely relied upon.

From a full view of these facts, this Legislature greatly prefer agents selected by the Government itself, amenable to its orders, subject to its immediate control, punishable at its discretion, and removable at its bidding:

*Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, to oppose and vote against the recharter of a Bank of the United States, or the establishment of any bank of a similar character.*

*Be it further resolved by the authority aforesaid, That our Senators be also instructed, and our Representatives requested, to support and vote for the entire separation of the public revenue from the keeping or control of any bank or banks of any description whatever.*

*Be it further resolved by the authority aforesaid, That since the Constitution recognizes no other currency than gold and silver, and imperatively requires that all taxes be uniform and equal throughout the Union, the employment by the Government of the paper of local banks in the collection and disbursement of its revenue amounts to a plain and undeniable infraction of that sacred instrument, which no consideration of expediency or convenience, or no force of precedence ought long to excuse, and our Senators are hereby instructed, and our Representatives requested, to support and vote for some measure or scheme of policy, the object of which shall be to heal the long-standing breach of the Constitution.*

*And be it further resolved by the authority aforesaid, That Alabama has uniformly been one of the foremost among the sister States in support of republican principles, and her citizens hail with pride the bold and manly stand taken by the Chief Magistrate of the Union, upon the finances of the Government.*

*And be it further resolved, That the Governor is hereby requested to transmit a copy of the foregoing preamble and resolutions to each Senator and Representative from this State in Congress.*

Mr. Porter moved to amend by striking out the preamble, and all after the word "resolved" in the first resolution, and inserting the following:

That the exaction of specie in payment of the public lands, and for letter postage, inasmuch as specie, during the suspension of specie payments by the several banks of this State especially, has cost the citizens of this State a premium of from fifteen to twenty per cent., has operated as a heavy oppression upon the people, and created a charge upon the price of the public lands and the rates of postage, to the extent of the premium payable for specie, not contemplated by, but in palpable violation of the faith guaranteed by the several acts of Congress affixing the value of those lands, and the rates of postage.

*Resolved, That the paper of our State Bank and Branches, while the faith and credit of the State are pledged for its redemption, is a fair and just equivalent for the land and postage of, and other dues to, that Government likewise sustained by the people, and should be receivable by them.*

*Resolved, That a general bankruptcy law, as recommended by President Van Buren, would crush our State Banks, and is not conformable to American institutions.*

Mr. Young offered the following as an amendment to the amendment, which was accepted by Mr. Porter, to-wit:

*Resolved, That it is the deliberate judgment of the General Assembly of the State of Alabama, that Congress ought to pass no laws prohibiting the reception of the notes of solvent banks, in the several States, after they shall have resumed payment in specie, in the collection of all dues to the General Government.*

Mr. Moore, of Madison, moved to postpone the further consideration of the preamble and resolutions, together with the substitute offered by Mr. Porter, until Monday, the 17th, and that two hundred copies thereof be printed for the use of the House, which was carried.

Before that period arrived, Mr. H. W. Hilliard, of Montgomery, Whig, submitted a preamble and series of resolutions, directed mainly against the specie policy of the Government as unwise, and ruinous to the commercial interests of the country. Also, Dr. David Moore, Democrat, submitted a preamble and resolutions laudatory of Mr. Van Buren's policy for separating the Government from the banks, especially from the Bank of the United States; but declaring it the true policy of the Government to receive and disburse the notes of solvent specie paying banks. These were all ordered to be printed, and their consideration postponed to the 17th, in connection with those offered by Judge Smith.

#### THE DISCUSSION.

On the 17th December, the discussion of the resolutions commenced, and was continued for several days, in which the whole financial policy of the Government passed in review. Much talent and earnestness were displayed, and quite a number of gentlemen participated. Judge Smith led off, and was followed by Mr. Hilliard. Dr. Moore came next, followed by Messrs. Young of Greene, B. McAlpin of Mobile, Shields of Marengo, Burke of Wilcox, Payne of Sumter, Porter of Tuskaloosa, Weisinger of Perry, W. B. Martin of Benton, S. McAlpin of Greene, Abercrombie of Russell, and Phillips of Dallas. It was confidently expected that Judge Lipscomb would address the House on the subject, and there was much anxiety to hear him; but he had little desire to do so, and yielded the floor to others until so much discussion had taken place that he declined altogether.

An amusing circumstance occurred during the discussion. Mr. Henry T. Jones, a Whig member from Butler, had been busy for several days, taking notes and hunting up authorities for his speech, and at last obtained the floor just before the end of the morning session. He moved an adjournment to three o'clock, saying that he was prepared and wanted to make a speech. The adjournment was voted, and before the assembling at three o'clock a negro boy came from Mr. Jones' boarding-house, rolling a wheelbarrow pretty well filled with books, which were carried up to

the Hall, where Mr. Jones arranged them in piles on the top and in the shelf of his desk, somewhat in the order in which he expected to use them. He had many pages of manuscript which he examined and laid upon the desk, and seated himself to await the call to order. Members were arriving and talking in squads upon the floor, and among them was Mr. F. G. McConnell, of Talladega, always ready for fun. He walked to Mr. Jones' desk, and leaning over, commenced talking and jesting, at which Jones laughed immoderately, rather unusual for him. Just then, McConnell quietly pulled away his manuscript from the top of the desk, and dropped it on the shelf, perhaps covering it with a book, and then carelessly returned to his seat. The House was soon called to order, the Speaker announced the subject for consideration, and that the gentleman from Butler was entitled to the floor. Mr. Jones rose, and commenced by saying that he had long desired to show the Democratic party where they stood, and now he was going to do it. Then he cleared his throat and cast his eyes upon the desk in the direction of his notes. Not finding them he repeated what he had said of his purpose, and continued looking for his notes. After a pause, and still searching, and saying, "the Democratic party, Mr. Speaker"—members began to titter—and, as his confusion increased, and he repeated again, "the Democratic party, Mr. Speaker," there was a burst of laughter, which the Speaker tried in vain to control. Jones could stand it no longer, but yielded the floor much mortified, saying his notes were misplaced, and he could not proceed. Although the House was heartily tired of the discussion, in which the subject had been fully examined, it did appear cruel thus to defeat the purpose, to be heard, of one whose heart was set on making a speech, and who had spent several days in preparing himself.

The debate upon these resolutions was probably the most general, was participated in by more gentlemen, and with more ability and earnestness, than any that has occurred since on party abstractions. Every inch was disputed in the contest in both Houses. On the first of January, 1839, there was a strong parliamentary fight, in opposing amendments and making privileged motions to avoid a direct vote. Mr. Payne moved an amendment in the shape of sundry resolutions, very objectionable to the minority, as follows:

*Resolved*, That taxes and duties ought not to be levied and collected by the General Government to raise money to be lent out to the keepers thereof, whether public officers or banks, to speculators or any other class of citizens whatsoever; and that the amount raised should be barely sufficient to defray the expenses of an economical administration of the Government, and should be kept to be applied to that object and no other.

*Resolved*, That the General Government has no right to use the money of the people for banking purposes, and consequently any attempt on the part of Congress, by the means of a bank charter, or any legislative enactment to delegate such power to others, will, as heretofore, meet with the unceasing opposition of the Democratic and State Rights Party of this State.

*Resolved*, That we deprecate the evils resulting from the action of the Government in the creation of bank monopolies, not authorized by the Constitution; the effect of which has been to divert the commerce of the South from its direct and natural channel to its present circuitous route.

*Resolved*, That a direct trade with Europe is of vital importance to Alabama.

*Resolved*, That the present administration of the General Government, by promoting the interests of the South, and guarding our institutions, has won our admiration and secured our support; and that we deeply deplore the course of such Southern statesmen as, by acting in concert with its opponents, are aiding to place those in power who are averse to the rights and interests of the South, and the great principles of the Democratic Republican Party, as illustrated in the political life and writings of Thomas Jefferson.

These were fought with such spirit by the opposition that Judge Smith, seeing the majority favored them, accepted them as a part of his own. Mr. Weisinger, of Perry, proposed to amend Judge Smith's resolutions. Coming from so prominent a State Rights man, the proposition attracted a good deal of attention, as embodying the views of that class of politicians. The amendment offered by Mr. Weisinger is in the following words:

WHEREAS, Two great political questions are now under the consideration and pending the decision of the people of the United States, whether the powers of the General Government are defined and limited by the express grants of the Federal Constitution, and whether Congress in the use of the means "necessary and proper" to carry into execution the express grants of the Constitution, is not bound to select those which are most simple, and which most immediately and directly accomplish the objects, and whether the Constitution prohibits anything but gold and silver in payment of the public revenue:

*Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the General Government was established by the formation and adoption of the Federal Constitution, and that it has no powers but such as are specifically granted by that instrument.

2. *Resolved*, That Congress has no power to establish a bank to aid the Government to carry into execution any of the specified grants of the Constitution.

3. *Resolved*, That the framers of the Constitution did not contemplate, and that the Constitution does not authorize, the reception of any but gold and silver in payment of public dues.

4. *Resolved*, That the most simple and safe mode for the General Government to collect, keep, and disburse the public revenue is by its own agents, appointed by and amenable to itself, under high moral and penal sanctions, and not to delegate this high and important function to banks created by the States, and over which the Government can have no control and authority.

5. *Resolved*, That a total and entire separation of the General Government and banks according to the Independent Treasury plan, with the specie feature, will confer much less power on the President or on Congress, than the management of the fiscal operations of the Government by the aid of a National Bank, or banks established by the States, or by any other plan that has been proposed.

6. *Resolved*, That the receipt of the bills of banks whether generally deposited in banks, or specially deposited in banks, or the Treasury, will confer great benefits on those sections of the Union where the public money is principally collected and disbursed, to the injury in the same ratio of other sections, and in violation of that clause of the Constitution which says that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

7. *Resolved*, That the South [?] which furnishes nearly the whole of the exports of the United States, has been occasioned by a connection of the Government and banks, and will be coexistent.

8. *Resolved*, That the same forced rule of construing the Constitution that would establish a National Bank, would also establish a protective tariff, internal improvement, surplus revenue, with its endless train of corruption and abuse, and the abolition of slavery in the District of Columbia, the Territories and States.

9. *Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to effect an entire separation of Government and banks.

10. *Resolved*, That the Governor is hereby requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress from this State.

By a vote of 49 to 45, it was laid upon the table. The vote upon this motion to amend exhibits a good deal of policy among the friends and opponents of Judge Smith's resolutions. There was a complete mixture, without any regard to political status. No doubt there was parliamentary policy in many of the votes given—some Whigs voting with Mr. Weisinger and his friends, as did many Democrats; all trying to keep favor with the State Rights men.

DEBATE CLOSED.

The discussion terminated on the 3d of January, when Mr. McConnell moved the previous question upon the resolutions. Then commenced a series of side motions, which looked as though the House would *fillibuster*; but they soon ceased. The call for the previous question was sustained, and the resolutions were voted upon separately. They were all adopted by easy majorities. That upon which there was some difference among Democrats, requiring the Government to adopt the specie basis, was passed by a vote of 51 to 40. Among the nays were Messrs. Baker of Franklin, and Moore of Madison, both of whom were soon afterwards advanced to the Speaker's chair by the Democratic party.

The resolutions were transmitted to the Senate, where they were subjected to a short but animated discussion, by Messrs. Terry, Mays, Calhoun, (President,) Cottrell, and Baylor, in favor, and Messrs. Rains, Riddle, Dent, King, Lea, and Watrous, against them, and passed by a large majority.

To this discussion in the two Houses an influence was imparted by the presence of a large number of gentlemen, of both parties, who were in attendance on the political conventions held at the Capital. Early in the session, delegates representing the Democratic party convened in the Hall of the House, to consider, and unite, as far as possible, the State Rights men of Alabama with the Democrats in support of Mr. Van Buren's financial policy, which was then the absorbing issue—especially the specie clause—which was regarded by many of the party a hazardous position, as it proved to be. Philip Phillips, Esq., of Mobile, was elected President, and Col. Richard B. Walthall, of Perry, Vice-President, and P. H. May, Secretary. The Convention was large and respectable, and the extreme State Rights men and Democrats harmonized and fraternized in council as they had not done before. Messrs. H. W. Ellis, John D. Phelan, Walker K. Baylor, W. B. Martin, George W. Gayle, J. L. F. Cottrell, J. M. Calhoun, F. G. McConnell, L. A. Weisiuger, and a number of others, participated in the debates. Resolutions were adopted pledging support to the financial policy of Mr. Van Buren, etc.

The Whig Convention met a few weeks later, and was, also, largely attended, and respectable in talents and character. Dr. Samuel C. Oliver, of Montgomery, was chosen President. Many able speeches were made by such men as Arthur F. Hopkins, C. C. Langdon, H. C. Lea, M. M. Burke, Dr. Oliver, and others. The financial policy of the administration, especially that portion which required the public moneys to be collected in coin, was disapproved by a vote of the Convention. Thus the issues were firmly made up for the Congressional and other elections in 1839, with what success we may note in a subsequent chapter.

#### ELECTION OF BANK DIRECTORS.

Toward the close of a long and laborious session, the two Houses

ected the Presidents and directors of the State Bank and Branches. The number of directors for each bank, as previously remarked, had been reduced from fourteen to six, and the elections were conducted quietly. Major Hardin Perkins was elected President of the State Bank over Dr. John Marrast, as his policy for resuming specie payments was popular with the Legislature. He gave a grand ball on the first of January, the day the banks nominally resumed specie payments, and his tickets of invitation were headed "Resumption." This was a captivating motto, and although the Major was a very decided Whig, many Democrats voted for him because they approved his policy. The following gentlemen were then elected Presidents of the Branch Banks, viz: John B. Norris of Mobile, John Martin of Montgomery, B. M. Lowe of Huntsville, and James S. Sykes of Decatur.

GEORGE S. GAINES.—This year Mr. George S. Gaines, who had long filled the office of President of the Branch Bank at Mobile, retired on account of ill health and infirmities, from too close application to business. He was identified with Alabama from her early history, having cast his lot when she was a Territory. He was a brother of the distinguished Major-General E. P. Gaines, of the United States Army, whose deeds in war had secured a bright reputation to the name. Mr. G. S. Gaines was extensively known and highly appreciated in business circles; was kind and amiable in his intercourse with men; too much so, it was said, to manage a bank, where it required the cold blood and iron will to say "no." His integrity was unquestioned, and his honor unsullied during a long and eventful life.

The two Houses adjourned *sine die* on the 2d of February, 1839. Several gentlemen then ceased their connection with the Legislature, and with public life in Alabama, of whom it is proper to speak. Among them, in the Senate, were Messrs. Rains of Marengo, McClellan of Talladega, Mays of Montgomery, and Smith of Clarke. A particular notice of Mr. Rains has already been given.

Major Hardin Perkins defeated Dr. John Marrast for the Presidency of the State Bank; but the next year the latter came in without opposition—Major Perkins declining to be a candidate on

the eve of the election. Dr. Marrast continued to hold the position for several succeeding years, embracing a period of much labor and responsibility in the process of winding up the banks, and conducting the very extensive correspondence connected with it. He brought to the task financial skill and intelligence of a high order, and a character formed in the strictest school of integrity. Of French descent, and well educated, he conducted the affairs of the institution, in this respect, with a marked degree of simplicity and affability which made him popular as an officer. He still lives at an advanced age in Tuscaloosa, enjoying the respect of the community in which he has resided for over a quarter of a century. His wife was a daughter of the late Rev. Samuel K. Jennings, M. D., a gentleman of great ability and learning, both in theology and Medicine, and formerly President of the Medical College in Baltimore.

JOHN MARTIN was reëlected, without opposition, President of the Branch Bank at Montgomery. He first came into the position in 1837, and held it by successive elections until his death in 1844.

Captain Martin was a South Carolinian, but settled in Montgomery at an early period of its history. He spent the days of his manhood in that city, filling many positions of public trust with efficiency and fidelity. He was a Democrat, which, with a large family alliance, with the Elmore, Fitzpatrick, and Dixon H. Lewis, taken in connection with his indomitable energy and quick sagacity, made him a man of influence and note, in political as well as social circles. He died of chronic diarrhœa just as he had attained the meridian of life. But he lived long enough to leave the impress of a strong character upon the events of his day, and should be held in remembrance as a man of mark and energy. He was a brother of the Hon. Abram Martin, of Montgomery, who is noticed in another chapter. Of the family which he left was an accomplished daughter, who married Cyrus Phillips, a merchant of Montgomery, and died a few years ago. Besides other sons, was Gen. Edmund W. Martin, a respectable lawyer of Conecuh county. The widow of Captain Martin still lives, a member of the Baptist Church, respected by all for her elegant hospitality in former days, and for her Christian virtues.

BARTLEY M. LOWE was the first President of the Pranch Bank at Huntsville, and held the place, by repeated elections, until 1844, when he voluntarily retired.

His parents were from Maryland, of an old family that came over from England with Lord Baltimore. Gen. Lowe was born in Edgefield, South Carolina; but soon thereafter his father, who had been a Captain in the Revolution, removed to Florida, and accepted service under the Spanish Government, for which he received a very large grant of land.

Subsequently Gen. Lowe cast his lot in Huntsville, and engaged in mercantile pursuits, in which he attained to eminence. For many years his position was that of a "Merchant Prince," with tact, credit, and influence. The fame of his mercantile house went abroad into all the surrounding country; but the financial revulsion of 1837, and succeeding years, overtook his business in the vicissitudes of fortune. He was elected a Brigadier-General of militia, which, in that day, was considered no small honor, especially in connection with such a Major-General as Benjamin Patteson, who filled that position for many years, and was called into active service by Gov. Clay, in the Indian troubles of 1836, in deference to his intellectual and military qualifications. For a long period Gen. Patteson filled the office of Marshal of the Northern District of Alabama, with a fitness peculiar to his integrity of character and high sense of duty. The writer had occasion, upwards of thirty years ago, to visit Huntsville on business connected with the census, then under the direction of the Marshal, who, in this case, was Gen. Patteson, and was impressed, not only by his official courtesy and affable manner in the dispatch of business, but with the nobility of his person and dignity of his bearing, coupled with a respectful demeanor in intercourse, which made a *plain man* feel easy in his company. He defeated Col. Nathaniel Terry for the Major-Generalship, after a most animated and expensive contest, and wore its honors, as well as that of Marshal, as few have done. He died in Huntsville, a few years ago, at a ripe old age, leaving the savor of a good name and character, of which his descendants, and the community of Huntsville, ought to be, and no doubt are, proud.

Gen. Lowe was fully equal to the position occupied by him as a

general officer; and it may well be questioned whether any locality in the State has been able to boast of two such officers, in the strength and force of exalted character, and the *personale* of a firm, noble, courtly bearing.

After his pecuniary reverses, Gen. Lowe engaged in the factorage and commission business in New Orleans, and so continued until his death, several years ago. Nature made him a gentleman, and his early advantages and intercourse in official and private circles, only added to that exalted standard of society and character for which Huntsville has long been justly famed.

The writer, with his family, in April, 1848, took passage on a boat at Tuscaloosa for Mobile. Among his fellow passengers was Gen. Lowe and his daughter, Sophie, a young lady educated and accomplished in the more solid attainments of life, in that day. He was impressed with the bearing towards her father, which was that of affection and profound deference. She brought into the social circle, during that trip, much of the means that contributed to break the tedium of steamboat traveling, and made the time pleasant by her cheerfulness, intelligent conversation, and singing, in all of which she was well gifted; so that she was justly regarded the life and center of our steamboat circle. She has since married Col. Nicholas Davis, of Huntsville, where she now resides in the place of her nativity.

Gen. Lowe left three sons: Dr. John T. Lowe, who was the Chief Surgeon of Gen. Loring's Division of infantry throughout the war; he now resides at Aberdeen, Mississippi, engaged in the practice of his profession. Robert J. Lowe, who was a lawyer, and a Representative in the Legislature from Madison county, in 1859. He became fired in the cause of the South in 1860. The writer traveled with him to Baltimore, and remembers how decided and fixed his convictions were; though he was not forward in expressing them, he did not disguise them. He entered the service of the Confederacy in the first company raised in North-Alabama, and was attached to the Fourth Alabama Regiment, commanded by Col. E. J. Jones. The fatigue and exposure of the forced march to Manassas superinduced camp or typhoid fever, of which he died. It is seldom, if ever, that the State has claimed as one of her sons, a more brilliant, promising young man than Robert J.

Lowe, or one upon whom nature was more lavish in noble and commanding physical developments. A widow and two sons are left to testify to the cruelties of war, and the patriotic devotion of a noble son of the South, who was among the first to respond to her call for help on the battle-field.

Another (and younger) son of Gen. Lowe, WILLIAM M. LOWE, while he separated from his brother in political action in 1860, went with him, readily, into the field, in 1861. They were both in the same regiment and company—Fourth Alabama. In the same encounter with the enemy, in the first battle of Manassas, while the Colonel was mortally wounded, W. M. Lowe was wounded in the forehead, which shows clearly how he *stood* in the fight. From this wound he did not recover in several months. Afterwards, he was appointed Colonel on the staff of Gov. Shorter, and was engaged in organizing companies for the field. Subsequently appointed to a Captaincy on Gen. Withers' staff, in active service, he went through the Kentucky campaign, and was again wounded in front of Murfreesboro, Tennessee. He was afterwards transferred to Gen. Clanton's staff, at his special request, and was with him in Georgia, Alabama, and Tennessee, until captured at the battle of Franklin. He was thence taken to Camp Chase and Fort Delaware, where he remained as a prisoner of war until three months after the surrender. In 1865, Col. Lowe was elected Solicitor of the Huntsville Circuit, a position he held creditably, until superceded by the reconstruction measures. The strength and decision of his character at once indicated him as a leader of the Democratic and Conservative forces in North-Alabama, and in 1870 he was elected a member of the House of Representatives from Madison county, and soon became prominent as a debater and man of business. He is young, and is justly regarded as one of the rising men of the State, having already demonstrated his ability for service in the battle-field and in the legislative councils.

General JESSE WINSTON GARTH was called this year, (1838,) by the unanimous vote of the two Houses, to the Presidency of the Branch Bank at Decatur, bringing to the management of that institution much experience in financial affairs; so that it was hoped he would rectify many of the disorders then existing. But the

disease was too deeply seated for the patient to be saved by bringing in a new physician.

Gen. Garth was born in Albermarle county, Virginia, in October, 1788; educated at the school of Dr. Waddel, at Hillsborough, North Carolina; studied law, and was admitted to the bar at Charlottesville, Virginia, in 1809; was a cotemporary with Gen. William F. Gordon, William C. Rives, and Valentine Southall; served in the Virginia militia, on the coast, in the war of 1812; was elected to represent his native county of Albermarle in the Legislature of 1815, where he met with the Hon. John Tyler, between whom, during life, existed a warm personal and political friendship.

In 1817, he emigrated to St. Louis, Missouri, carrying with him most flattering testimonials of esteem and confidence, from such men as Philip P. Barbour, Gen. Gordon, Mr. Carr, and Mr. Jefferson, the latter of whom, in a letter to Gov. Clarke, of Missouri, warmly commended him as a young man of uncommon merit, who had been tried in war, in the Legislature of his native State, and at the bar. Owing to the severity of the climate of St. Louis, he remained but a short time, and removed to Alabama, in June, 1817. Locating in what was then Cotaco, now Morgan county, he engaged in planting and in the practice of law. He continued at the bar of this State but a short time, and thenceforward devoted himself mainly to agricultural pursuits, and by his energy and sagacity became one of the largest planters in the State.

Gen. Garth was elected a Brigadier-General of militia at an early period of the history of the State, and frequently served in the Legislature, in both branches. He was defeated for Congress, in 1830, by the Hon. Samuel W. Mardis. Physically, Gen. Garth was a splendid type of the Virginian—of the Piedmont region—tall, erect, being six feet four inches in height, a man of action rather than words; and whilst he was singularly retiring and unobtrusive in his manners and habits, there were few men so positive and self-reliant. Deficient in those little arts by which a transient and ephemeral popularity is won, he commanded the entire confidence and esteem of all with whom he came in contact. He died at Huntsville, September 7, 1867, in the seventy-ninth year of his age.

He raised a family of children, some of whom still live in the Tennessee Valley. One of his daughters married Dr. Frank W.

Sykes, who has already occupied public positions. His son, J. W. Garth, Jr., was elected a Representative from Morgan county, in 1853; and another son, W. W. Garth, Esq., is a lawyer, of Huntsville, who, although he has never filled any public station, is justly regarded as a gentleman of solid attainments, with a good future in the legal and political arena. Gen. Garth was, in politics, a Whig, which, no doubt, retarded his political advancement among a people so decidedly Democratic as were the citizens of North Alabama in his day.

General WILLIAM B. McCLELLAN, a graduate of the Military Academy at West Point, settled, at an early day, in Morgan county, where he was elected Clerk of the Circuit Court. He was, afterwards, by repeated elections, Engrossing Clerk of the House of Representatives for ten years in succession, and retired, voluntarily, from that position. In 1837, he was elected a Representative from Talladega; and, in 1838, was elected to the Senate, from the district composed of Talladega, Benton, and Randolph. In the meantime, in 1836, he was elected Brigadier-General of the Sixteenth Brigade. After closing his term in the Senate, he remained a private citizen, engaged in planting, until the war between the States commenced, when he entered the service of the Confederate States, in command of a regiment; but his age and infirmities obliged him to desist, and return home. In all his public trusts, Gen. McClellan was faithful, attentive to his duties, and affable in his address. He still lives, a hale, intelligent gentleman, and a connecting link between the past and present generations.

THOMAS S. MAYS, who served a second term in the Senate, was a Polk and Dallas Elector, in 1844, and the same year was elected by the Legislature, Judge of the County Court of Montgomery county, which office he held for a few years and resigned. Afterwards, he succeeded Mr. George C. Ball as Clerk of the Supreme Court, and while holding this commission he died, in 1853. Judge Mays was a lawyer of considerable ability, and occupied position in professional and social circles. He had descended from good revolutionary stock—the Sumters of South Carolina—of which State he was a native. He belonged to the State Rights school of politicians.

## CHAPTER V.

*Sketches of Character—Retiring Members of the Legislature.*

The preceding chapter concluded with a brief notice, which is here continued, in relation to gentlemen whose service in the Legislature terminated with the session of 1838-9.

DR. NEILL SMITH, of the Senate, was long connected with public life; first in the Legislature of North Carolina,\* and then in that of Alabama, and occupied a medium position in the Senate of the latter State. He was defeated in 1839 by G. W. Creagh, who succeeded in reading him out of the Democratic party on account of his vote in favor of the constitutionality of the Bank of the United States. Dr. Smith was ambitious, and sought the Presidency of the Senate, and in 1836 came near compassing his object, which would have made him Governor, as matters turned out. But he failed on this wise: He had succeeded in neutralizing every Democrat who had any pretensions to the place, by approaching them as they arrived at Tuscaloosa, and soliciting each one to be a candidate for President of the Senate. Every one in turn declined, and then Dr. Smith would tell him that if he did not want it, and would not be a candidate, he would like to have it himself; and it was thus an easy matter to get gentlemen committed after such a flattering offer.

Mr. Hugh McVay had not yet arrived, and Senators found out that he was the only chance to defeat the plans of Smith. To keep Mr. McVay from falling into the trap, watches were placed on the bridge to see him as he came on, advise him of the state of things, and inform him that he must consider himself a candidate. This was done, and proved a palatable message. In due time, after his arrival at his known quarters, Mr. Smith called,

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\*Dr. Smith served in the House of Commons, from Richmond county, in the years 1810 and 1811.

and, after the usual interchange of civilities, told McVay that he was glad he had arrived, and that he (Smith) wanted to vote for him for President of the Senate. McVay thanked him for his good intentions and opinions, and told him he was a candidate for the place, and should esteem it a singular pleasure to receive his vote. This was more than was expected by Smith, who, finding himself fully committed at his own game, abandoned the canvass, and Mr. McVay was elected.

Mr. Smith possessed much equanimity of feeling, and never allowed himself to become excited or vexed amid the severe contests in which he was frequently engaged. Gov. Bagby told me an anecdote to this effect: Smith once defeated Mr. James Dellet for the Senate, in Monroe, Clarke, and Washington, so badly that Mr. Dellet, losing his patience at the result, and the means by which he believed it had been brought about, fell to abusing Smith the day after the election, at Claiborne, telling him how meanly he had acted, how base he was, etc. Smith replied, in the presence of a large crowd—"Mr. Dellet, what do you suppose the people will think of *you*, if I am the man you say, seeing that I have beaten you two to one in your own county?" This was said so good humoredly that it vanquished Dellet.

In the House, the following gentlemen ceased their connection with the Legislature, viz: John P. Booth, of Barbour; Henry T. Jones, of Butler; Cornelius Carmack, of Lauderdale; A. E. Mills, of Limestone; B. G. Shields, of Marengo; A. S. Lipscomb and B. McAlpin, of Mobile; H. W. Hilliard and G. D. Shortridge, of Montgomery; L. A. Weisinger and W. E. Blassingame, of Perry; J. M. McClanahan, of Shelby; W. W. Payne, of Sumter; Reuben Searcy, of Tuskaloosa, and M. M. Burke, of Wilcox. All of these gentlemen acted prominently in the debates which occurred, and also in the details of legislation. Thomas Price, Engrossing Clerk, also retired.

JOHN P. BOOTH was a member of the House only this one session. He was Major-General of the 6th Division of Alabama Militia, and had a good deal to do in the Indian troubles of 1836, which brought him prominently forward. He took a leading position at once in the House, and sustained himself so well,

especially with the dominant party, that he was elected Judge of the 6th Circuit to fill the vacancy of Chancellor Crenshaw. Interchanging Circuits in the ridings, he went to the mountain country, where he made a good impression, and was complimented in the papers for his dignity on the bench, and for his rapid dispatch of business. Thus the morning of his judicial administration was bright and promising; but a foe lurked in his path more to be dreaded by men of his social habits than any other. Its effects began to show in various irregularities in his administration of justice, and at length broke out in open complaints in his Circuit. At the session of 1842, articles of impeachment were moved against him by Mr. Jackson, a Representative from Barbour; but a majority of the House refused the investigation, and in a short time Judge Booth resigned, and soon afterwards he died. I may here add that Judge Booth was a native of Georgia, and was the second of Thomas D. Mitchell, Esq., a Solicitor-General of that State, who was killed in a duel by Dr. Ambrose Baber, of Macon, in 1826. His nature was impulsive and eminently social, and his address agreeable, easily winning confidence. But he disappointed the high expectations entertained in his early career by friends and admirers, and his fate it is hoped, may prove a warning to young men, to avoid the seductions which led to his downfall.

HENRY T. JONES had served a number of sessions in the House, and while he was watchful, and particularly attentive to the interests of his constituents, he failed from some cause, probably from a want of due appreciation by others, to wield much influence in the House. One reason no doubt was, that his bitter hostility to the Democratic party, which exhibited itself upon the slightest occasion, incurred the displeasure of that party; and in his own, the Whig party, his leadership was ignored, so that he was kept pretty much in the background. The consequence was, he became to some extent soured and isolated. He removed from Butler to another county not long after the termination of the session.

C. CARMACK had long represented the people of Lauderdale in the House, and with such acceptability that for several years he

had desired to retire, but his fellow-citizens persisted in electing him. He told me in 1838 that he hoped he would be beaten the ensuing year, as then he would have a good excuse to decline any further attention to public affairs, which did not suit his taste. Mr. Carmack was a plain, unpretending gentleman, rather reserved in his intercourse with the members—investigated closely all the subjects upon which he was required to act and vote, and took his course from the stand-point of honest conviction; and this, once determined upon, no whispers of policy, or anything short of principle, could change him. He was much respected in Legislative circles, and invited frequently to the social meetings of his fellow-members. Here, while his strict temperance habits were maintained, he would relax the reserve of public intercourse, and enjoy the freedom of such occasions with lively jest and anecdote. Soon after this year he removed to Mississippi, where he remained in private life until 1851, when the State called a Convention to consider the political questions then culminating. He was elected as a Union man, and on the assembling of the Convention, he was made its President. The labors of this position were no doubt too much for his physical ability, which was always below medium condition, and on his way home, after the adjournment, sickened and died. He was a Democrat, not because anybody else was or had been, but solely from principle, and wherever his principles led him, he went. This course of action frequently separated him from friends of the *policy* school, but did not on his part produce any misunderstanding, or ill blood. He was a Christian gentleman without austerity, and had universal charity toward his fellow-beings.

ARCHIBALD E. MILLS, of Limestone, was a member only this session, although his character and alliances would have secured him a continuance in the Legislature had he desired it; but political life, and the contests attending it, did not suit his taste. He was well educated, had studied the law more as an accomplishment than a pursuit; for he was a wealthy planter, and moved in an easy circle. Being a new member, he participated but little in the debates, and was highly respected for his intelligence and gentle bearing. He was afterwards President of the Charleston

and Memphis Railroad, in which capacity he exhibited those high business qualities which a few years developed. He died several years ago, perhaps while President of the Road.

BENJAMIN G. SHIELDS had the experience of several years in the House. His election in Marengo during those times was an evidence of his personal popularity, inasmuch as the county was decidedly Whig in politics, while Mr. Shields was a decided and leading Democrat of the Jackson school. This classification contributed no little to defeat his election to the Speakership at this and the preceding session. In 1841 he was nominated and elected to Congress from the Mobile District upon the general ticket, and served through one term with entire satisfaction to his friends. President Polk afterwards appointed him United States Minister to Venezuela, in South America, and he was abroad several years. This ended his connection with public employments; but his relation with his old party was kept up, and in 1851 he was incidentally supported for Governor in opposition to Chief Justice Collier—receiving 5,747 votes. This resulted not so much from any special organized candidacy upon the part of Mr. Shields, as a feeling of dissatisfaction toward Mr. Collier, and the identity of Mr. Shields with that feeling. It cannot, however, be justly regarded as a test of his strength; for, really, he was in favor of the Union, which was the main issue in that election, which the majority decided in the affirmative. Had the movement been made at an early day, so as to secure coöperation, he might have given Gov. Collier a good race, though there was but little probability that the latter could have been defeated by this or any other combination. Not long after this period, Mr. Shields removed to Texas.

When the writer first knew him, in 1837, Mr. Shields belonged to the class of younger men, with a mind well matured, and well stored with information, political and otherwise. He conversed with ease and fluency, his address was courteous, and, altogether, he was an agreeable gentleman, with a good person, a well rounded face, piercing dark eye, etc. His speeches in the Legislature were well prepared, and addressed generally in a calm and dispassionate manner; but on some occasions he was more excited

though his delivery continued to be clear and distinct, and his language well chosen. He was a member of the legal profession; and, with his cast of mind, had his energies been confined in that direction, he would unquestionably have taken high rank at the bar; but politics and planting, stimulated by the expansion of credit, gave a different scope to his faculties.

HON. ABNER S. LIPSCOMB was a Representative from Mobile this session, yielding to the urgent solicitations of the people that he would serve their interests. This was doubtless a sacrifice on his part, as he had filled the highest judicial position in the State, from which he had retired voluntarily, and had at various times received from the public tokens of the confidence which was reposed in his ability and integrity. He occupied but little time in debate, and while on the floor spoke pointedly, and in rather an advisory tone. He had more influence, especially on legal questions, than any other member. An instance may be given: A bill was on its passage to authorize the sale of lands of an estate, and was about to go through without an objection, when he rose and requested that the yeas and nays might be taken, that he might record his vote against it, believing that it was unconstitutional. He said but little, and that in a quiet way. The vote was taken, and every member voted against the bill—a unanimity and force of compliment never before paid any public man.

Judge Lipscomb was identified with Alabama, and especially Mobile, from an early day, and devoted his great mind and energies to the development of the judicial system of the one, and the social and commercial interests of the other. The leading men of the State knew and respected him, and all delighted in his conversation and counsel, which was pleasant, profitable, and safe. As a Judge, he was profound, and scrupulously exact in holding the scales of justice; as a lawyer, he was faithful and successful; as a citizen, public-spirited, sociable, and useful. In a word, he adorned all the relations of life, and made the impress of his character upon all. He was plain and unpretending, and far from pedantry and egotism. Alabama, in her society and institutions, long enjoyed the benefit of his example.

When I knew Judge Lipscomb, in 1838, he was somewhat

advanced in years. His black hair was mixed with gray or white, but his step was firm and elastic; his person well developed, a strong and stout frame. Indeed, as he moved about the House, in his quiet attention to business, one was impressed with the conviction that he was no ordinary man. In a few years thereafter, he chose the new Republic, Texas, as his residence. There he was soon called to the head of the State Department, where he exhibited those strong traits of character required at that time for the station. After receiving many testimonials of favor from his adopted State, he died several years ago.

BLANTON MCALPIN also served but this one session. He was defeated the next year, and subsequently was elected Mayor of Mobile—a position he filled with energy, and to the satisfaction of the people. He was a Democrat in the full sense of the word, asking and giving no quarter politically. He made a good, working member, but weakened his influence by too much speech-making, and the display of more or less bitterness of feeling, especially on political questions. When the resolutions on Federal policy were under discussion, he took the floor, and signalized himself by the indulgence of harsh expressions, and by vindictive assaults on the motives and purposes of the opposing party, which served only to wound without benefiting any cause. The House was worn-out with the debate, and once or twice he addressed empty benches. This greatly mortified him, and had its influence on his deportment for the balance of the session. His battle of life had evidently been a severe one, intensifying his feelings to a dictatorial pitch, nearly akin to *despotism*, in his contests with man. He possessed an ability and influence generally successful with the masses, and he had some good traits of character. However objectionable his bearing on political occasions, he was true to his principles, and defended them to the last ditch. His influence at the polls in the city of Mobile, for several years, was potent, especially with his party. Years ago he went to California, and whether he is now living or dead, is a fact on which I have no information.

HENRY WASHINGTON HILLIARD was born in North Carolina in 1808. In 1824, he graduated at Columbia College, South Carolina, where his father resided; and after pursuing a course of legal studies, he removed to Athens, Georgia, where he remained two years, and was in the meantime admitted to the bar. In 1831 he was elected Professor in the University of Alabama. The author has before him a pamphlet of ten pages, entitled, "An Address delivered in the Representative Hall, before the General Assembly of the State of Alabama, and the Citizens of Tuska-loosa, December 7, 1832, in Commemoration of the Death of Charles Carroll, of Carrollton, by Professor HILLIARD, of the University of Alabama."

The following correspondence appears in relation to the address:

REPRESENTATIVE HALL, December 14, 1832.

The REV. H. W. HILLIARD—*Dear Sir*: In accordance with a resolution adopted by the House of Representatives, instructing the Committee of Arrangements to wait on the orator of the 7th instant, and tender the grateful acknowledgements of that body, and respectfully solicit a copy of the address for publication, we have the honor, sir, to concur, and at the same time to request your acquiescence.

Your Obedient Servant,

P. WALTER HERBERT, Chairman.

UNIVERSITY OF ALABAMA, December 16, 1832.

P. WALTER HERBERT, Esq., Chairman—*Dear Sir*: It is gratifying to learn that the address delivered on the 7th instant was satisfactory to the honorable body at whose request it was prepared. The few days given me to prepare for the occasion were so occupied with other pursuits, that I am conscious it has many imperfections. Under ordinary circumstances, I should not consent to its publication; but regarding it as an humble tribute to one dear to us all, I cheerfully comply with the request so politely expressed by yourself, as Chairman of the Committee.

Your Obedient Servant,

HENRY W. HILLIARD.

To those old enough to remember the sensation created in the public mind by the death of John Adams and Thomas Jefferson, on the 4th of July, 1826, just fifty years after they had signed the Declaration of American Independence—one its author, and the other its strongest advocate on the floor of the Continental Congress—it will readily occur how much interest was felt in Mr. Carroll, as the last of the fifty-six signers. He was born in 1737, in Maryland, and died in that State in 1832, at the age of ninety-five years.

After noting the thorough education of Mr. Carroll in the first colleges of Europe, his return to America, and his public services

up to the meeting of the General Congress, of which he was a member, in 1776, Mr. Hilliard says:

It is said that when Mr. Howard asked Mr. Carroll if he would sign, he replied, "Most willingly." As he approached the desk of the Secretary and affixed his name to the Declaration, some one in the lobby, apprehensive of an unfortunate termination of the contest, and anticipating the confiscation of property which must follow, exclaimed, "There goes half a million at the dash of a pen!" But no, "there's a divinity which shapes our ends." True, he risked much—more perhaps than any other man—but he lost *nothing*.

Mr. Carroll remained in Congress until 1778, when he returned home to give his services to his native State, to which he seems to have been deeply attached. In the year 1788, however, we find him in the Senate of the United States, immediately after the adoption of the Federal Constitution. In two years he vacated his seat, and retiring once more to his native State, engaged in local politics until 1801, when his public life closed, at the age of sixty-three.

The remainder of his life was passed in peaceful, and dignified, and happy retirement. He enjoyed a richer reward than ordinarily falls to the lot of man. He lived to see the work of his hands established; he received the best of all rewards, which Gray describes in his surpassingly beautiful Elogy in a Country Churchyard. It was his lot—

The applause of listening Senates to command;  
The threats of pain and ruin to despise;  
To scatter plenty o'er a smiling land,  
And read his history in a nation's eyes.

He saw growing up around him a great, virtuous and happy family; he saw them spreading themselves out from the waves of the Atlantic to the foot of the Rocky Mountains, carrying with them the arts of civilized life, and laying deep the foundations of a great, and good, and enduring Government. A beneficent Providence lengthened out his days, and permitted him to survive all who acted with him in the great and illustrious scenes of his life. He saw them fall around him one by one until, forsaken by those of his own day, he found himself standing in the midst of a new generation. Let us visit him at his fireside; we see him surrounded by the elegances of life, receiving the caresses of his children, and his children's children, whilst brooding over the circle, Religion sheds her holy light. When about to leave the earth, he turned his face for the last time upon its scenes—what was the sight which met his dying vision? Glorious beyond

description; he saw the broad lands about him soon covered with smiling fields, the forest giving back before the wave of population; the institutions of his country striking their roots deep, and spreading their branches wide; he saw the broad banner which he had stretched out his hand to raise in the dark day of doubt and danger, when hostile bayonets bristled all around it, now floating high above proud, happy and free States, undimmed by the smoke of war, unstained by the blood of battle, but covered all over with the blessed light of peace.

We are here this day to bid a last farewell to the Signers of the Declaration of Independence. Henceforth, they are not associated with the scenes of earth; their deeds have passed into history; they belong to a brighter world. Farewell, illustrious men. You can never pass from our hearts.

The love where death has set his heel,  
Nor age can chill, nor rival steal,  
Nor falsehood disavow.

Let us cherish their memory. When a truly great man falls, the nation should honor him; they should hang their garlands about his urn; all that can be done to make his fame enduring, should be done *freely*. The memory of such men constitutes the moral property of the nation, and when her fleets and armies are scattered and torn; when her cities are levelled with the dust; when all her other monuments are crumbling beneath the march of time, then the memory of the great and good will stand unmoved amid the wrecks around, telling to all generations the story of her greatness, and encouraging men throughout all time to good deeds.

To fill the vacant Chair in the Faculty of a College as Mr. Hilliard did, at the age of twenty-three years, and to be called upon by a Committee of the Legislature, at twenty-four, to perform such a conspicuous part in a solemn public ceremony, was at least evidence of ability and improvement in the morning of life rarely witnessed. In his future there was no retrograde—no suspension of progress in intellectual character.

After serving three years in the Professorship, Mr. Hilliard resigned, and settled in Montgomery to pursue the practice of the law. He had been some time connected with the itinerancy of the Methodist Episcopal Church, and still exercised the functions of a local minister. He was first elected a Representative in the Legislature from Montgomery county, in 1836, and again in 1838.

Mr. Hilliard came into the House in 1838 with a reputation for ability, and qualities as a gentleman, which he fully sustained. Participating in the debate on the Sub-Treasury resolutions offered by Judge Smith, he replied to that gentleman in a speech of two days, which added greatly to his character as an orator and statesman. He was a Whig of the State Rights school, ardently devoted to the interests of the South, yet in his patriotism embracing the whole country. But few men could charm an audience by the gracefulness of manner, ease and beauty of delivery, and rich imagery of conception, more than Mr. Hilliard. He was a favorite at Tuscaloosa, and on the days he addressed the House in reply to Judge Smith, the lobby and gallery were crowded with the *elite* of the city, and strangers visiting the Capital. While his political status prevented his accomplishing much in his attempt to carry out his measures of policy, he established a fine reputation among men of all parties for high-toned bearing and social intercourse.

Mr. Hilliard was a delegate to the Whig Convention at Harrisburg, in 1839, which nominated Gen. Harrison and Mr. Tyler, and it was on his motion that the latter gentleman was placed on the ticket for the Vice-Presidency. After Mr. Tyler succeeded to the first office, on the death of President Harrison, he appointed Mr. Hilliard Charge d'Affairs to Belgium, where he remained until the election of Mr. Polk. In 1845, he was elected to Congress from the Montgomery District, over the Hon. John Cochran, his Democratic competitor. In 1847, he was re-elected, and again in 1849; the last time over James L. Pugh, Esq., of Barbour county, who was brought forward and supported as the *Southern Rights* candidate. The meeting between these two gentlemen at the Court-House in Montgomery, was an event I well remember, for I went there determined not to become excited, but to listen and to learn. The discussion was opened by Mr. Pugh, in an attack upon Mr. Hilliard's record in Congress, in which he exhibited boldness, and an intimate knowledge of his topic. This was presented without disguise or abatement, arriving at the conclusion that the interests of the South, in those critical times, were not safe in such hands. Mr. Hilliard's reply was commenced under the influence of strong feeling, produced by the attacks

made upon him. His retorts upon Mr. Pugh were scathing, and elicited rounds of applause; and in a speech of one hour and a half (the time allotted to each) he vindicated himself to the satisfaction of his friends. He defeated his competitor after an exciting contest. At the end of this term in Congress, he retired, and resumed the practice of law with success; in the meanwhile, officiating sometimes in the pulpit to large audiences who were attracted by his eloquence. For several years, Mr. Hilliard was a Regent of the Smithsonian Institute at Washington City, an honor bestowed by Congress only on gentlemen of acknowledged literary attainments. For the last five or six years Mr. Hilliard has resided in Augusta, Georgia. His career of six years in Congress brought him into association with some of the ablest men in the country, and secured him general respect. He frequently engaged in the debates with honor to himself as an orator and statesman. A volume of his speeches and addresses has been published by the Messrs. Harper, of New York. Mr. Hilliard commanded a Legion in the late war between the States.

GEORGE D. SHORTRIDGE was also a member from Montgomery county at this, his only session. Although young, he came with a good deal of *prestige* as a rising man. He participated but little in debate, but was an industrious and useful member. He had filled the office of Solicitor of the 8th Circuit, but had resigned on his election to the Legislature. In 1844, he was elected Judge of the 3d Circuit, and remained on the Bench for ten years, discharging his duties satisfactorily to the public. In 1855, he resigned, and accepted the nomination of the American, or Know-Nothing party, for Governor, in opposition to Gov. Winston. The contest was animated and exciting, and in the end became bitter. They canvassed together, and measured strength upon the stump, both encouraged, wherever they spoke, by ardent friends in the multitudes collected on such occasions. Gov. Winston was reelected by some ten or twelve thousand majority. Mr. Shortridge then resumed the practice of the law, and in 1861 he was returned as a member of the State Convention which, in January, with his assistance, passed the Ordinance of Secession. Since then he has been engaged in private pursuits. It is proper

to remark that he was a son of the Hon. Eli Shortridge, who was formerly a Judge of the Circuit Court of Alabama—a gentleman of the greatest urbanity of manner, of the most attractive social qualities, and of a style of eloquence before a Court and Jury rarely excelled in sweetness, polish, and beauty.

L. A. WEISINGER, of Perry, concluded at this session a term of several years' service in the Legislature. His friends were of opinion that he retired too soon; for while the State was deprived of his valuable counsels, it was generally thought he had before him a good prospect of success. He was a gentleman of solid attainments, with a fund of common sense that fitted him well for the place of a legislator. A State Rights man of the strictest school, he came into coöperation with the Democratic party on the Sub-Treasury question, and voted with that party upon political issues. He investigated for himself, and acted upon his convictions, to which he frequently gave utterance in resolutions submitted, and in speeches upon the floor of the House, expressive of his views. His social qualities were good, and he was esteemed as a gentleman of substantial merit. He retired in the vigor of manhood.

W. E. BLASSINGAME, his colleague, served only this session, when he was quiet in his manner, but attentive to his duties. His tastes led him rather into the field of literature, having the advantages of a good education and extensive reading. He made a good impression by his deportment, and modest, gentlemanly bearing; and, had he continued in public life, he would no doubt have taken a high position in the councils of the State. He was long a resident of Perry county, respected for his probity, and died several years ago.

JOHN M. McCLANAHAN served through the sessions of 1837 and 1838, a young man of modest deportment, amounting almost to timidity. After this, he engaged earnestly in professional pursuits as a lawyer, and in private enterprises. For many years he was Judge of the County and Probate Court of Shelby, in which office he gave entire satisfaction to the people. He was successful

in the acquisition of property, and the war found him well to do. He went into the Convention of 1861 with Judge Shortridge, as a delegate from Shelby, and coöperated with the majority. After the surrender, he removed to Louisiana, where, in 1867, he was killed by lightning. He was a gentleman of intelligence, and a valuable citizen.

WILLIAM WINTER PAYNE was first elected a member of the House from Franklin county, in 1832, when a young man. He afterwards removed to Sumter, from which county he was elected successively for several years. In 1839 he was the candidate of the Democratic party for the Senate, and was beaten by Samuel B. Boyd, Esq., only four votes out of 2,500. Conceiving that he had grounds, he contested Mr. Boyd's election, which brought the matter before the Senate for investigation. The result was that the election of Mr. Boyd, the sitting member, was declared invalid, and another election was ordered, though too late in the session for any practical use, and it went over to the regular election in 1840, when Mr. Payne declined the contest. In 1841, he was nominated for Congress by the Democratic Convention of the Tuscaloosa District, and was elected on the general ticket. In 1843, he defeated Col. Elisha Young, the Whig candidate in the District. This was no common victory, as Col. Young was intellectually a strong man, of finished education, and powerful in debate; and withal, a gentleman of high character. In 1845, Mr. Payne defeated John Erwin, Esq., who was before the people as an independent candidate for Congress. In 1847, he was superceded by Samuel W. Inge, Esq., in the nominating Convention, soon after which he ceased to be a citizen of Alabama, and returned to Virginia, his native State.

Few men in Alabama, or elsewhere, possessed more decided traits of character, or more self-reliance, with a natural ability, physical and mental, to command success. Mr. Payne was an *educated* man, although no college diploma may have conferred that title. But, whatever his opportunities in youth, he was to all intents and purposes a power within himself, calculated to bring the masses into subjection to his logic and his boldness. In the canvass or in the Legislature, he had his authorities well

digested for argument, and whoever faced him incurred no ordinary hazard, as what he lacked in the strength of his cause, or in his preparation to support it, he made up in a potency of voice well managed, and by emphatic motions of his head, which riveted his own ideas on the audience, while it rendered those of his antagonist exceedingly feeble in the comparison of vocal thunder.

Mr. Payne was a wealthy planter, and had leisure to improve his mind by books, and by the study of mankind. During the six years he was in Congress, from 1841 to 1847, he established a prominent character in the party to which he belonged. By no means diffident, he was often on the floor, as his numerous speeches reported in the "Congressional Globe" will show, all marked with ability, if not with liberality. He knew the prejudices and feelings of the people in common life, and seldom failed to adopt his political music to their sensations, an example of which was given in his speech on the Tariff, in which he said that even the sugar in which a mother mixed medicine for her sick babe, was *taxed* by the Government! Such was the fact, however, though it may not have called for the pathos of the illustration. But being a man of the people, and striving to please, Mr. Payne had a right to express his sympathies in a way he deemed most effectual at the ballot-box. By talents, experience, and address, he was qualified for high places, to which his ambition was directed. This was no doubt perceived by other men of the party, who believed that Mr. Payne honestly considered himself entitled to a life estate in Congress, or in whatever station he might prefer. At all events, by the machinery of a convention, he was put out of the way of others, perhaps as worthy, and the chagrin he manifested by leaving Alabama, showed how the barb quivered in his vitals. He ought to have risen superior to such an influence; for he had a weight of character spotless in private life, and solid for public service, on which he could have rested in tranquillity and with honor the balance of a long career. He has been heard to ascribe his preservation from a horrible death to the entreaty of his wife, who prevailed on him not to form one of the official party on board the United States steamer "Princeton," in 1844, when the *big gun* of Com. Stockton bursted, and killed Mr. Upshur, the Secretary of State; Mr. Gilmer, the Secretary of the

Navy; Com. Kennon, and Col. Gardner; and injured others, among whom was Col. Benton. Mr. Payne had accepted the invitation to be present at the trial of the gun, and was on the point of going, when his better angel interposed.

DR. REUBEN SEARCY was a member this year only, and proved himself an efficient, safe legislator. He has long been a practitioner of medicine in Tuscaloosa, where he has justly attained a high rank in his profession, and has contributed no little, by his attentions and counsel, to the inauguration of the Lunatic Asylum, of which he has been a Trustee or Director. He was held in high esteem as a citizen, and member of the Democratic party.

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## CHAPTER VI.

### *Sketches Continued.—Elections of 1839.*

MALCOLM M. BURKE, of Wilcox, took his seat in the House a few days after its organization in 1838, and immediately entered into the debates which had commenced. A Whig, young, bold, and fearless, and rather impulsive, he gained attention, and soon became a prominent actor on the Whig side of the House. His criticisms and arraignments of the members of the Democratic party, produced some sparring in the heat of discussion, which, however, passed away with the occasion. For one so young, his person was well developed, large, and commanding, with a broad chest, eagle eyes, auburn hair, large nose and mouth. His social qualities were of a high order, and few men were more courted in the social circle, or responded more gracefully to the advances of his friends. His star blazed for one session, and rose rapidly toward the ascendant; but its luster was obscured by death, before another meeting of the Legislature. If I mistake not, he was reëlected, and died soon thereafter.

THOMAS PRICE, Engrossing Clerk of the House, ceased his connection with it at the end of this session, and justice demands a notice of him at my hands. He had been Sheriff of Morgan county, elected when quite young, and discharged the duties of the office with credit. In 1837, he was elected Engrossing Clerk, and again in 1838. His clerical abilities were not of a high order, still he kept his business up, and got along, and was popular. Indeed, his popularity was proverbial, and why not? Nature had blessed him with a good face, upon which there was a perpetual smile and sunshine, emanating from a good heart, which prompted him to be kind and accommodating to everybody, whatever the relation. In the whole course of an extensive acquaintance with men, I never knew one who was more ready to forget self in a willingness to serve another. He was a boon companion, conversed well upon common topics, and in his company one would soon forget the cares of life, in the pleasure of his lively anecdote and fun. He ranked as a Democrat, but knew little of politics, and cared less, except so far as was necessary to keep himself in line.

In 1838, while the canvass for the organization of the two Houses was going on, a prominent member of the State Rights party approached, (I was then a candidate for Clerk of the House,) and asked me how I stood upon the sub-treasury question? I impressed him that I was in favor of that measure. He expressed himself satisfied, and said that the reply would control the votes of a dozen gentlemen, who would vote for no man unless his position on that subject was satisfactory. He then inquired if I knew the position of Mr. Price upon this question, saying he liked his fine qualities as a man, but could not vote for him unless he was right. I knew that Price was hard up, with a strong opposition on his hands, and desired his election. I informed the gentleman that I had never heard Mr. Price say anything on this point, but had no doubt that he was sound. Just then, in passing, Price came near the place where we stood, and I called him up. Fearing he had not informed himself, I commenced the subject by alluding to the inquiries that had been made, and the result of the information that would gain a dozen votes, and then went over the assurances I felt authorized to give for him, etc. While this was going on he looked uneasy and thoughtful. At the conclusion he said, of course he was for

it, with all his heart. The member expressed himself fully satisfied, and said that he and his friends would vote for him. The conversation was kept up some minutes on other subjects, during which time Price was shy, silent, and uneasy. As soon as he could, he beckoned me aside privately, and asked: "What is this—what do you call it—*sub-treasury*, that he was talking about? I never heard of it before, that I recollect; but look here, did I answer right?" Being told that he did, he was much relieved, and then requested me if there were any more of these new questions on hand, to let him know, and post him; for, he said, if this thing had not been managed well he would have lost a dozen votes. He was good at electioneering, and never was beaten, though engaged in many severe contests before the people of Morgan county, who elected him, and re-elected him Judge of the County Court, and afterwards Judge of Probate, in which relation he died. He doubtless dispensed as many kind-hearted favors in the course of his life as any other man in his sphere.

#### RESULT OF THE ELECTIONS.

The elections, in 1839, were conducted with spirit in all portions of the State where the relative strength of parties would justify it. A Governor, Representatives in Congress, one-third of the State Senators, and all the members of the House, were elected. Arthur P. Bagby was the Democratic candidate for re-election, and was elected Governor, there being no organized opposition, though there was a scattering vote in favor of Arthur F. Hopkins, decidedly the leader, as well as the ablest man of the Whig party in Alabama. For Congress, Reuben Chapman, in the Huntsville District; David Hubbard, in the Florence, and Dixon H. Lewis, in the Montgomery District—all Administration men—were elected. In the Tuskaloosa District, George W. Crabb, Whig, was elected over H. W. Ellis, Democrat; and in the Mobile District, James Dellet, Whig, defeated ex-Governor John Murphy, Democrat. Both branches of the Legislature were largely Democratic, upon the issues made the Winter before, by the passage of Judge Smith's resolutions.

## ORGANIZATION.

The two Houses of the General Assembly met at the Capitol, on the 2d of December, 1839. In the Senate, Judge Green P. Rice, of Morgan county, was elected President, without opposition. J. M. Calhoun, Esq., was President at the preceding session, but was superceded this session, on account of the hostility lingering in the minds of the Democrats of the Jackson school against the extreme State Rights men. Pleasant Hill was elected Secretary; Hiram Hemphill, Assistant Secretary; and Armstead Thomas, Door-keeper.

In the House, John D. Phelan, Esq., of Tuscaloosa, was unanimously elected Speaker; William Garrett, Clerk; Joseph Phelan, Assistant Clerk; M. Priest, Engrossing Clerk; John Tatom, Door-keeper; and Lin Taylor, Messenger.

The political contest this year brought forward many of the most talented men of the State, a good number belonging to the class of young, active ones, who could conduct a canvass with spirit and energy; but there was, too, a large amount of matured character and experience in the two Houses.

In the Senate, may be mentioned James Hill of Bibb, G. W. Creagh of Clarke, J. M. Calhoun of Dallas, Thomas Riddle of Greene, Joseph P. Frazier of Jackson, Hugh McVay of Lauderdale, W. J. Alston of Marengo, Samuel C. Oliver of Montgomery, Nathaniel Terry of Limestone, T. L. Toulmin of Mobile, G. P. Rice of Morgan, Peyton King of Pickens, William Wellborn of Barbour, Daniel C. Watrous of Shelby, F. G. McConnell of Talladega, and Dennis Dent of Tuscaloosa.

The House presented a strong array of men who had long participated in the councils of the State, and the names of others just entering upon a course that was to lead on to high promotion in the future, as Dixon Hall and John W. Withers of Autauga, J. W. A. Pettit of Barbour, Thomas A. Walker and John Cochran of Benton, Mace T. P. Brindley of Blount, James M. Bolling of Conecuh, Daniel H. Norwood and William H. Norris of Dallas, R. A. Baker and Benj. Reynolds of Franklin, Solomon McAlpin and Elisha Young of Greene, Thomas Wilson and R. T. Scott of Jackson, Samuel S. Earle of Jefferson, T. W. Walker and O. H.

Bynum of Lawrence, H. D. Smith of Lauderdale, Elbert H. English of Limestone, William Smith, Jeremiah Clemens, David Moore, and John Vining, of Madison; Milton McClanahan and C. E. B. Strode of Morgan, Percy Walker, Isaac H. Erwin, and C. C. Langdon, of Mobile; Joseph J. Hutchinson of Montgomery, Lorman Crawford of Monroe, A. B. Moore and John Barron of Perry, J. E. Pearson and Nathan Smith of Pickens, James Abercrombie of Russell, James H. Nabors and Wade H. Griffin of Shelby, W. P. Chilton of Talladega, M. D. Williams, John D. Phelan, and B. F. Porter, of Tuskalooza.

The House contained in it more elements of future promotion and success, among the young men who took their seats as members for the first time. One of them, Mr. Moore, of Perry, rose to the Executive of the State; another, Mr. Clemens, went to the Senate of the United States; two others, Messrs. Chilton and Phelan, sat upon the bench of the Supreme Court; another, Mr. Walker, of Mobile, was elected to Congress; another, E. H. English, removing to Arkansas, graced the Supreme Court bench of that State many years ago, first giving to the State an admirable digest of the laws. Three others, T. A. Walker, John Cochran, and Nathaniel Cook, occupied places for years on the Circuit bench, the former filling the chair of President of the Senate; another, Mr. Strode, of Morgan, became Solicitor of the Seventh Circuit; and another, C. C. Langdon, filling the high position of Mayor of Mobile, and was elected to Congress in 1865. Of the older members, one, Mr. Porter, went to the Circuit bench by election, and Mr. Baker and Dr. Moore were destined to preside over the deliberations of the House as Speaker. One, Mr. Abercrombie, was twice elected to Congress; whilst another, Mr. Hutchinson, became a prominent minister in the communion of the Methodist Episcopal Church, South; and many others, not here named, were promoted to seats in the Senate, where they aided by the counsels of experience in advancing the interests of the State. Seldom has Alabama contained so much of future service and distinction in a House of Representatives.

## THE MESSAGE.

The Governor's message was delivered on Tuesday, by Mr. Tunstall, Secretary of State. It was long, and the reading consumed some time. It presented a full and comprehensive view of the "situation." On the subject of Internal Improvements, the Governor reiterated the sentiment which was still uppermost in the minds of the public men of Alabama, that *water* communication was that upon which we must rely. But it will be better for the Governor to speak for himself:

If it should be said we are behind other States in this respect, it may be replied that if we are destitute of those ready and agreeable means of intercommunication, which abound and greatly facilitate traveling and transportation in some of the States, we are at least free from the weight of those monumental debts, that have been contracted to carry on their works of internal improvement. Indeed, it seems to be impossible that the people of this State can suffer very great inconvenience or difficulty in getting their produce to market, when it is recollected that this State is irrigated by three of the finest rivers in the world. And I avail myself of this occasion, to express my decided and clear preference for the opening and improving the navigation of our rivers, over every other description of internal improvement. It is but improving the advantages of nature, with which a beneficent Providence has favored us, and while these beautiful streams, with which our State is so freely favored, continue to roll their ceaseless tributes to the ocean, every improvement made upon them will continue to increase in value and importance. I continue to be deeply impressed with the importance, and adhere to the determination of effecting some permanent connection between the waters of Mobile Bay and the Tennessee River; but circumstances seem to forbid our engaging in it at present.

The State was launched upon this plan; for Congress, in the act providing for its admission, proposed, among other things, to give *five per cent.* of the proceeds of public lands sold in Alabama, two-fifths of which was to be used in constructing roads leading to the State, under the direction of Congress, and three-fifths to the improvement of rivers and roads in the State, under the direction of the Legislature. Railroads were not talked of then, and at the date of this message there was but one railroad enterprise in Alabama—that from Decatur to Tuscumbia—which, like all pioneer movements of the sort, had, in a measure, failed, and seriously embarrassed many worthy gentlemen in the section where it was attempted. Every Governor, and most of the leading men were impressed with the importance of connecting North and South-Alabama by a system of improvement that would, in effect, break down the mountain barriers between them; but few had advanced

beyond a water line. At the next session, 1840, Judge John S. Hunter, of Lowndes, a gentleman of enlarged experience and information upon subjects of State policy, was placed at the head of the Internal Improvement Committee, and made a labored report, which was entered on the Journals of that session, valuable as presenting a view of the general subject, in which the committee gave preference to the *water line*, as the following extract will show:

The attention of the committee has been drawn to the Macadamized mode of roading, and of it, so far as the connection of North and South is concerned, in matters of commerce, they are disposed to think unfavorably thereof.

They, in the first place, think that such a road would not divert the commerce of the North from its now accustomed channel. That, secondly, it would be almost as costly as a railroad, because of the impracticability of obtaining, with sufficient facility, the proper rock; the sand-stone, as we are informed, not being suitable thereto, and the lime-rock, which is preferred, not to be had.

The view of the committee was, however, not confined to roads, and they beg leave to suggest a mode of effecting this communication by a water route, with the exception of a few miles, that intelligent gentlemen view as entirely practicable.

It is proposed to ascend the Tennessee to the mouth of the Hiwassee, from the town of Decatur, about two hundred miles; a portion of this river, the suck excepted, said to be equal to any other of like extent for steamboat navigation, and the suck formidable only in low-water. Ascend the Hiwassee three miles, to the Chilhowie mountains; at that point on said river, a railroad may be constructed over a perfect plain, of not more than twelve miles, to the Connesauga Creek: descend this creek to the Easternawla River, and this river into the Coosa, thence into the Alabama River. That there are impediments your committee can not doubt; they may, however, be of a character not to require the same expenditure for removal thereof, as would the construction of the railroad herein alluded to.

A large portion of the message was devoted to the banks, their condition, and the pecuniary distress of the country, with sundry recommendations to improve their management. The resumption of specie payment the Winter previously, in which the State Bank took the lead, was of short duration, as the wants and absolute demand for a circulating medium among the people, required heavy discounts of notes and bills, thereby increasing instead of diminishing the circulation.

The year 1839 will be remembered for the intense drouth which prevailed over the South, from the first of August to the termination of January following. The navigable waters were lower than they had ever been before, putting a stop to transportation. This year, too, the city of Mobile was visited with that terrible scourge, yellow fever, attended by the torch of the incendiary. So appalling was the state of things produced there, that the Governor, in his annual message, brought the subject to the notice of the Legislature,

On the first day of the session, and before the delivery of the message, Judge B. F. Porter submitted a preamble and series of resolutions, in reference to the calamitous condition of that suffering city and people, accompanied with very suitable remarks. He was followed by Mr. Percy Walker, one of the Representatives from that city, in a speech of thrilling interest. It was his maiden effort before the Legislature, and I have often thought, taken altogether, it was the best of his life, and few men have made better speeches than Percy Walker. The occasion—the pestilence with its frightful ravages; the daily and hourly funeral processions; the blazing fires which at midnight consumed the best portion of the city; widowhood and orphanage, in their sufferings and wailings, and want; were depicted by him who had witnessed the scenes, and, as a physician, had participated in measures of relief to the sick, as few could do it. He was young, buoyant, sympathetic, and eloquent. Seldom has a body of men, come together with so little knowledge of the subject-matter of the speech before it was delivered, been more deeply moved, including the large audience in the lobby and galleries. This speech was never published, as it should have been, and preserved as a description of the terrible times in Mobile, in 1839, as well as to perpetuate the dedication of Mr. Walker's first effort to the interests of his suffering constituency. This speech placed Mr. Walker at once in the front rank among members, and here he commenced a career that it will be seen hereafter in these pages, was highly creditable alike to his State and to himself.

The first business which engaged the attention of the Senate was a contested election from Sumter county, in which Mr. Payne canvassed the right of Samuel B. Boyd, the sitting member, to a seat, on account of illegal voting. The contest in that county at the August election, was very animated; party spirit was fully up to fever heat. The vote of the county was large—upwards of 2,500—and a mixed ticket was elected to the House, so closely were parties balanced. Mr. Boyd held the Sheriff's certificate of election upon a majority of *seven* votes. The papers were referred to the proper committee, who, after close investigation, reported in favor of Mr. Payne, by a majority of six. But there was a minority report opposing the conclusion of the majority, and rather

favoring Mr. Boyd's right. After several days discussion, the Senate voted the seat vacant—neither gentleman entitled to it—and referred the whole matter to the people. Mr. Boyd was beaten the next year, by Mr. John E. Jones, in a regular hand-to-hand contest, *four* votes. This concluded Mr. Boyd's connection with public life in Alabama. He was a Tennessean, and had settled in Livingston a few years before, in the practice of the law. He had the capacity, had his mind been fully applied in that direction, to attain eminence at the bar; but he suffered himself to be drawn into the whirlpool of politics at an unpropitious time. The results of the canvass in 1839-'40 had a material influence on his spirits, and in 1846 he returned to his old home in Knoxville, East-Tennessee. His political ambition had been excited, and he yielded to the solicitation of his friends, and became a candidate for the Senate there, but was defeated. Soon thereafter he was elected Judge of the Circuit Court, and died while holding that honorable commission. Mr. Boyd was a Whig of very decided convictions. He was a Christian gentleman of unblemished character, and of high social and moral qualities. His career was chequered with success and failure; very different, probably, from his early anticipations. But, after all his mixed experience, his memory is entitled to the highest public respect.

#### ELIGIBILITY TO OFFICE.

A constitutional question was sprung in both Houses at an early part of the session. It had been the practice for years for gentlemen to occupy seats who were Judges of the County Court, Bank Attorneys, or filling other official stations until after they were elected, and then resign. Many such cases were presented at this session. The practice alluded to had grown to such an extent, that the question was referred to the Judiciary Committee in each House, to report whether, under the Constitution, any person holding, at the time of his election, any one or more of the following offices was eligible to a seat:

1. Attorney for the State Bank, or any of its branches.
2. Solicitors of the different Judicial Circuits.
3. Trustees of the State University.

4. Reporter of the decisions of the Supreme Court.
5. Agent or Attorney for the Trustees of the University.
6. Judge of the County Court.
7. Secretary of the Board of Trustees of the University.
8. Directors of the State Bank and Branches.

The inquiry in each House was the same, and the reports of the Committees agreed in the conclusion that none of the persons holding either one of the offices at the time of election was eligible to a seat in either House. Under this decision, several vacancies were declared to exist. In the Senate, Mr. Green P. Rice, of Morgan, and Mr. J. W. Townsend, of Pike, who each held the office of Judge of the County Court at the time of his election, retired. Out of respect to the position of Mr. Rice, who was President of the Senate, a decision was delayed until the day before the final adjournment, when his place was vacated, and ex-Gov. McVay, of Lauderdale, was elected his successor.

In the House, the following gentlemen retired, as ineligible, viz: M. D. Williams, of Tuskaloosa, and Josiah Jones, of Covington, Judges of the County Court; Thomas A. Walker, of Benton, Solicitor, and Percy Walker, of Mobile, Bank Director. Mr. Robert T. Scott, of Jackson, who held the office of Clerk of the Circuit Court, was also ejected. In the discussion of these questions, the legal talent of the two Houses was enlisted, and exhibited with marked credit to the profession. Among those who took part in the debate were Messrs. Clemens, Chilton, Phelan, Pettit, Cochran, Erwin of Mobile, Langdon, Smith of Lauderdale, Hutchinson, Moore of Cherokee, Bolling, Baker, and others in the House; and Messrs. Calhoun, Lea, Alston, Riddle, McConnell, Watrous, and Hudson, in the Senate. A more special notice of several gentlemen who acted a prominent part in the Legislature of 1839, will appear in the succeeding chapter.

In passing, it is necessary to notice briefly two political Conventions held at the Capitol in the Winter of 1839. That of the Democratic party was presided over by Jesse Beene, Esq., of Dallas, whose speech on taking his seat was so violent and ferocious as to be objectionable to many of his Democratic friends. William Garrett was appointed Secretary. Among the delegates who acted a conspicuous part in the Convention were Judge Smith,

Dr. David Moore, and William Acklin, of Madison; Harvey W. Ellis, and John D. Phelan, of Tuscaloosa; Col. Richard B. Walthall, of Perry, and William L. Yancey, and B. C. Yancey, of Coosa. The main object of the Convention was to indicate the choice of the Democracy of Alabama for President and Vice-President of the United States, and to organize for the success of the ticket which might be nominated by a National Convention. There was much unanimity as to Mr. VanBuren for the first office, but there was some division as to the Vice-Presidency. The name of Col. Thomas H. Benton was brought forward in the most respectful terms for the latter office; but, after mature consultation, it was decided to recommend Col. William R. King, and to present him as the choice of the Democratic party of Alabama for Vice-President of the United States. The resolutions adopted were in favor of Mr. VanBuren and Col. King. An Electoral Ticket was formed with Col. Benjamin Fitzpatrick at the head, and delegates appointed to the National Convention.

The Whig Convention was organized by the election of Dr. Samuel C. Oliver, of Montgomery, as President, and Hiram Hemphill, Esq., as Secretary. Among the leading delegates were the Hon. A. F. Hopkins, H. I. Thornton, ex-Gov. John Gayle, James Abercrombie, C. C. Langdon, and Robert Thorington. As a political body, the Convention was distinguished for the ability and experience of its members. They passed resolutions declaratory of the principles of the Whig party, and appointed delegates to the Whig National Convention, which assembled at Harrisburg in the Spring of 1840.

While referring to political contests, it may be as well to observe at this point as any other, that in June, 1840, the Whigs of Alabama held a State Mass Convention at Tuscaloosa, of which the Hon. John S. Hunter was President, and Hiram Hemphill and John C. Bates were Secretaries. It was a large assemblage, with all the emblazonry of coon skins, log cabins, and hard cider, which excited considerable enthusiasm. The Hon. Thomas F. Foster, of Georgia, Judge Hopkins, Judge Thornton, Mr. Hilliard, Judge Porter, John Morrisette, and other Whigs, made speeches on the occasion. A committee was appointed to prepare resolutions ratifying the nomination of Gen. Harrison and Mr. Tyler for President

and Vice-President, and providing a ticket of Electors for the State. A pamphlet of some forty pages, prepared by the committee of which the Hon. A. F. Hopkins was a working member, was published, including the proceedings of the Convention, a history of the public services and opinions of Gen. Harrison, and an address to the people of Alabama, urging the election of the Whig candidates for President and Vice-President, as likely to afford relief to the country by a change of Administration.

In a few weeks thereafter, the Democrats held a State Convention in the Capitol, of which the Hon. William R. King was President. The usual committees were appointed, and a number of able speeches were made on the occasion. Among the gentlemen who addressed the Convention were Gov. Bagby, Isaac W. Hayne, William L. Yancey, and others, all resulting in the utmost harmony. The declaration of principles went before the people, and after a spirited canvass, in which many of the Electors took the stump with a zeal and earnestness unprecedented in Alabama, the vote in November was largely in favor of Mr. Van Buren. The Democratic Electors, therefore, cast the vote of the State in favor of Martin Van Buren for President, and Richard M. Johnson for Vice-President.

## CHAPTER VII.

*Retiring Members—Eligibility, etc.*

Hon. WILLIAM SMITH was a Representative in Congress from his native State, South Carolina, in 1796, and voted with Gen. Andrew Jackson on the resolutions approving the administration of President Washington. He is mentioned in the annals of that day as an active, efficient member of Congress, probing questions to the bottom, and much in the habit of consulting the public records for precedents, and for evidence to support or defeat any measure, as his judgment might determine. His talents and energy of character were manifested at an early stage of his public life. In his profession as a lawyer, he stood in the front rank for ability and success. He was elected a Judge of the Superior Court, which, in those days, was a high judicial honor, never bestowed, except upon those worthy of the ermine.

In 1816, Judge Smith was appointed Senator in Congress to fill a vacancy, and in 1817, he was elected by the Legislature to the same station, to serve the unexpired term, and also for a new term of six years, to March 4, 1823, as successor of Gov. John Taylor. In 1826, he was again elected Senator, for a period of five years, in room of the Hon. John Gailliard, deceased, who had been President of the Senate. During all this service, he was one of the leading men of Congress, and a leader of public opinion in his own State. In proof of the high estimation in which he was held, the Presidential Electors of the State of Georgia, in 1828, cast the vote of the State for him as Vice-President.

Judge Smith and Mr. Calhoun did not concur in their political sentiments, especially when the latter gentleman began to unfold his State remedy by *nullification*, for the unconstitutional acts of Congress. To place himself beyond the reach of the troubles likely to arise from the practical enforcement of this doctrine, Judge Smith removed, with his large property, to Alabama, in 1833,

and settled at Huntsville. In 1835, he was elected a Representative in the Legislature, from Madison county, and reëlected in 1836, 1837, 1838, and in 1839. His course in that body has been traced with more or less minuteness in preceding pages. He was a Democrat of the most rigid school—bold in policy, clear in the presentation of his views, and a hard worker in support of all the measures he espoused, whether of National or State origin. As a speaker, he was animated and forcible; and although nearly four score years of age, he had the fire and sensibility of a youthful aspirant, when addressing the House. He allowed no one to allude to him as the “venerable gentleman from Madison,” “my venerable friend from Madison,” or to apply any other epithet or term to signify advanced age. He would instantly rebuke any such freedom in friend or opponent. He gave, as a reason, privately, that the common opinion was that after sixty or seventy a man’s intellect had in a measure failed, and, of course, less respect was entertained for his judgment. So far from his long experience leading to that result, he was all the time adding to his stores of observation and knowledge, which he could turn to useful account.

The character of Judge Smith was of the highest type for intellectual force and firmness. As a proof, President Jackson, in 1836, offered him the place of Associate Justice of the Supreme Court of the United States, which he declined to accept; perhaps the only instance on record where such an honor had been refused after being tendered. But he was no seeker of place to build up a reputation, or to gratify pride. He was far above any such necessity. His fame as a jurist and statesman had been recognized, and his influence was felt and admitted. As to wealth, it was counted by millions. He owned large plantations in Alabama, in Mississippi, and in Louisiana, on which cotton and sugar were the abundant crops he consigned to his factors. His only heir was a grand-daughter, who married Meredith Calhoun, Esq. Judge Smith died at Huntsville, in 1840, aged about 80 years. His like may ne’er be seen again.

JOHN D. PHELAN, when quite a young man, represented Madison county, 1833, at which time he was editor of the Huntsville Democrat. In 1836, he was elected Attorney-General, and removed

to Tuscaloosa and resigned the office in 1839, which year he was elected a Representative in the Legislature, from Tuscaloosa county, and was unanimously chosen Speaker of the House. As a presiding officer, he sustained himself well; to the satisfaction of all parties. In tendering his acknowledgements for the flattering vote of thanks accorded him at the close of the session, his address deeply touched the sympathies of the House, and many tears flowed when he pronounced the final adjournment.

In 1841, Gov. Bagby appointed Mr. Phelan Circuit Judge, which office was renewed by election until 1851, when he was transferred to the Bench of the Supreme Court, then consisting of five Judges. On the reorganization of that tribunal, in 1853, reducing the number of Judges to three, he was beaten by Samuel F. Rice, Esq.; and the death of Thomas S. Mays, Esq., Clerk, occurring about the same time, Judge Phelan was immediately appointed Clerk of the Supreme Court, to fill the vacancy. He held this office until 1863, when he was again placed on the Bench of the Supreme Court, where he remained until 1865. He was then displaced, on the reorganization of the Court under the Provisional Government, and was again appointed Clerk, the duties of which office he continued to exercise until 1868, when, by the reconstruction measures of Congress, he became disqualified.

Judge Phelan is now connected with the University of the South at Suwanne, Tenn., under the patronage of the Episcopal Church. He is the Law Professor in that rising institution, well qualified by talents, culture, and elevated sentiments, to discharge the duties of his station, than which no labor can be more respected or useful. His sagacity and boldness, more than twenty years ago, pointed out and advocated the construction of a railroad as a State measure, from North to South-Alabama, on the very line since adopted. For this *unpopular* movement, at the time, Judge Phelan lost the nomination, by his party, for Governor, in 1857, and with it his last opportunity to fill the highest office in the State, for which his distinguished abilities, great political and literary attainments, the integrity of his character and his virtues as a man, so well qualified him. Of late years he has suffered much affliction; but in all his trials he is the same Christian gentleman, with a patience and urbanity that exert a good influence on society

wherever he is known. Perhaps there is no gentleman now living in Alabama who has been longer or more favorably identified with the interests of the State.

A few words may properly be added on the domestic relations of Judge Phelan. His wife, Mrs. Mary Ann Phelan, was a daughter of Gen. Thomas K. Harris, sometime member of Congress from the Sparta District, Tennessee, and grand-daughter, on the mother's side, of Rev. John Moore, one of Bishop Asbury's earliest ordained Methodist preachers in Virginia, who died at the venerable age of ninety-two years in Limestone county, Alabama. I make mention of this lady because I knew her well, and in all that constitutes true womanhood, she was one of the foremost women of Alabama. She was extensively known in the State, and beloved wherever she was known, for her genial and unselfish spirit; and for her gentle, yet thoroughly energetic Christian character.

WILLIAM P. CHILTON is a native of Kentucky, brother of the Hon. Thomas Chilton, who was a Representative in Congress from that State, in 1827, and whose celebrated Retrenchment Resolutions, and eloquence in their support, drew from Mr. Randolph a complimentary notice. Mr. W. P. Chilton settled in Talladega for the practice of the law, in 1834, and in 1839 was elected as a Whig, with William McPherson his Democratic colleague. He at once took high rank as a debater and ready business man, and was considered the most rising young character in the House. In the Presidential canvass of 1840 and 1844, he was active in the support of Gen. Harrison and Mr. Clay, often addressing large assemblages of the people at mass meetings, and in Tippacanoe and Ashland Clubs. In this field, he was a power within himself; eloquent, logical, and abounding in anecdote and humor. In 1843, he opposed Gen. Felix G. McConnell for Congress, whose personal popularity, added to the large Democratic majority in the district, prevailed in the contest. In 1848, Mr. Chilton was elected a Judge of the Supreme Court; and in 1849, on the resignation of Judge Collier, he succeeded to the rank of Chief Justice, which he retained for several years. In 1859, he was elected a Senator from Macon county, and took a leading part in the measures of that

period. His acknowledged abilities and ripe experience, made him a principal figure in any deliberative body of which he was a member.

In 1861, Judge Chilton was a member of the Provisional Congress; then a Representative in the Confederate Congress, and was reelected in 1863. He served on the most important committees with his usual diligence, and exerted himself as best he could, to serve the cause with which he was identified as a Southern patriot and statesman. He was connected, officially, with the Confederate Government from its inception, at Montgomery, in 1861, to the surrender of its armies in 1865.

It is only just to say, that Judge Chilton, throughout a long career in his profession and politics, has always been distinguished for honor and kindness. Many young men have been aided and brought forward by him, to public usefulness, whose merit might otherwise have been overlooked. His person is of the noblest mold, always commanding attention by his presence. He now resides at Montgomery. Time has dealt gently with him, and his sixty years seem as though forty still lingered in his face and in his movements.

The above, as written, was published in a Montgomery paper in November, 1870. In January, 1871, Judge Chilton was severely injured by a fall, from which his strength never rallied. The following official communication announced the sad result:

STATE OF ALABAMA, EXECUTIVE DEPARTMENT, }  
MONTGOMERY, January 21, 1871. }

*Gentlemen of the Senate and House of Representatives:*

It is with feelings of sorrow and regret that I inform you of the death of the Hon. W. P. Chilton, of the city of Montgomery. This event occurred last night about the hour of eleven.

Judge Chilton was one of our best beloved citizens, eminent as a jurist, and the people of Alabama had often honored him with their public esteem and confidence. As a member of the Legislature, as a member of Congress, and as Chief Justice of our Supreme Court, he discharged his duties with devotion and zeal.

In the Halls of Legislation, he was a statesman, and he adorned the Bench by his integrity and learning. The loss of such a man is a public calamity, and it is fit that the departments of the Government of a State he loved so well, should pay a tribute to his memory.

ROBERT B. LINDSAY, Governor of Alabama.

Unusual honors were paid to his memory by the Legislature, the Bar, and by the fraternity of Masons, of which he was Grand Master and High Priest. In his connection with this respectable

order, he had long exerted a large and beneficent influence, always bringing to his labors as a finished workman, intelligence and zeal.

In his youth, Judge Chilton was happily married to Miss Mary Morgan, the accomplished daughter of Mr. George Morgan, a respectable merchant, and citizen, then, of Athens, Tennessee; who, by her knowledge of domestic duties, acquired under the training of a mother of superior worth, aided him no little in laying that broad, solid foundation upon which he reared such a noble structure of mind and character. His brother-in-law, General John T. Morgan, who has already attained to eminence at the bar, was brought forward under his legal teachings. His son, Thomas Chilton, a young gentleman of noble promise to society and to the legal profession, married Miss Lavinia Bradford, a daughter of Mr. Joseph H. Bradford, of Coosa county, a lady of very rare accomplishments of mind and culture, who was left a widow several years ago, by his premature death, and is now devoting her talents to the education of Southern young ladies. His son, William P. Chilton, a lawyer of Montgomery, has the endowments and training to follow in the footsteps of his distinguished father, and it may be hoped that he will fully justify, in the future annals of the State, his name and heritage.

JAMES M. BOLLING, of Conecuh, came forward, in 1838, as a Representative in the Legislature, an active member, and a young lawyer of fine promise. He became a general favorite in the House, especially in 1839, as his good qualities were more fully developed and better known. He afterwards married a daughter of the Hon. Reuben Saffold, Judge of the Supreme Court, and settled at Hayneville, Lowndes county, where he acquired distinction at the Bar. He died several years ago.

JAMES W. WADE, of Butler, served only at the session of 1839. He was a planter, of middle age, of great respectability in talents, and social worth. Soon thereafter, he removed to Mississippi, where he was elected to the Legislature, since which time I have lost sight of him.

ROBERT A. HIGH, of Limestone, was a native of North Carolina. At the sessions of 1838 and 1839, he served as a Representative

in the Legislature of Alabama. He had acquired a large property, and was a zealous advocate of common schools. At the time he served in the Capitol, he was a dashing widower, seeking his fourth wife. His head was a little bald, which fact he took great pains to conceal. He was restless in his movements, and generally had a supply of apples and *goober*-peas in his hands, while he passed most of his time in the lobby, and was seldom present when his name was called. He had a special dislike to C. C. Langdon, Esq., a member from Mobile, and always made it a point to vote contrary to him on every question, without regard to its merits. It frequently happened that Mr. High came in after the vote of the House had been taken, but before it was announced by the Chair, and claimed the privilege to vote. In such case he would inquire how Mr. Langdon voted, and on being informed, he would direct his vote to be recorded on the opposite side of the question. This practice involved him in trouble with his constituents. Although Mr. Langdon was a Whig—for which cause alone he was hated by Mr. High—no man in the House gave sounder votes on questions of State policy, or general welfare. When his votes on some of these were brought against him in the canvass, Mr. High found it impossible to extricate himself from censure, in the face of the Journal, and he was thus beaten for reelection. At all events, he filled a large space in society at Tuscaloosa, and succeeded in marrying before his term of service expired—an ample compensation, it is hoped, for his subsequent defeat as a legislator.

NATHANIEL COOK, of Lowndes, served only during the session of 1839. He was a sound lawyer, modest and able. He at once took a high position as a debater, and commanded general respect. His character had just then began to unfold itself, and was but little known to the public. At the first session of the Legislature at Montgomery, in 1847, he was elected Judge of the Circuit Court over Judge Pickens, the incumbent. He remained on the Circuit Bench many years, giving satisfaction. He thought deeply and soundly, and I have often concluded in my own mind that his real worth was never fully understood or appreciated by the public. After the war, he removed to Texas, and is now engaged in the practice of his profession in the city of Galveston.

LORMAN CRAWFORD, of Monroe, was a Representative at the sessions of 1838 and 1839, and afterwards Trustee of the University. He was liberally educated, possessed a lofty tone of mind, and was devoted to the cause of popular education. He was neat and commanding in his personal appearance, and very refined in his habits and tastes. He died before his faculties had attained their full development, and his bright career was suddenly brought to a close. His brother, David Crawford, Esq., the distinguished young lawyer of Mobile, died in 1834, in the morning of life, just as fame began to dawn upon his character. How melancholy the fate of two such brothers, and yet how beautiful their memory!

MARMADUKE WILLIAMS was a Representative in Congress from North Carolina, from 1803 to 1809, during the administration of President Jefferson, of which he was a warm supporter. He moved to Alabama while it was a Territory, and settled at Tuskalooza. At the first election for Governor, in 1819, he was a candidate in opposition to William W. Bibb, formerly a Senator in Congress from Georgia, who was elected by a majority of 1,202.

The following is the official vote, as it appears in the House Journal, p. 37:

| <i>Counties.</i>    | <i>Bibb.</i> | <i>Williams.</i> |
|---------------------|--------------|------------------|
| 1. Autauga.....     | 440.....     | 6                |
| 2. Baldwin.....     | 126.....     | 11               |
| 3. Blount.....      | 111.....     | 722              |
| 4. Cahawba*.....    | 350.....     | 73               |
| 5. Clarke.....      | 543.....     | 274              |
| 6. Conecuh.....     | 460.....     | 139              |
| 7. Cotaco†.....     | 195.....     | 454              |
| 8. Dallas.....      | 647.....     | 115              |
| 9. Franklin.....    | 161.....     | 387              |
| 10. Lauderdale..... | 144.....     | 355              |
| 11. Lawrence.....   | 493.....     | 297              |
| 12. Limestone.....  | 906.....     | 191              |
| 13. Madison.....    | 1225.....    | 1244             |
| 14. Marengo.....    | 184.....     | 405              |
| 15. Marion.....     | 83.....      | 225              |
| 16. Mobile.....     | 172.....     | 83               |
| 17. Monroe.....     | 650.....     | 534              |
| 18. Montgomery..... | 440.....     | 350              |
| 19. Shelby.....     | 278.....     | 96               |
| 20. St. Clair.....  | 350.....     | 178              |
| 21. Tuskalooza..... | 123.....     | 824              |
| 22. Washington..... | 257.....     | 322              |
| Total.....          | 8,342.....   | 7,140            |

\*Now Bibb. †Now Morgan.

Mr. Williams had a brother who was appointed by the President Governor of the Mississippi Territory.

The character and qualities of Judge Williams (for by that title he is best known) were a little peculiar. When I first knew him, in 1837, he was considerably advanced in years, and had frequently been a member of the Legislature from Tuskaloosa county. He was a lawyer by profession, but in a measure had withdrawn from the practice, except, perhaps, that portion which might be done in his office as counsellor and conveyancer. He was rather diffident in his address, and slow of speech. By no means could he be called an animated or rapid talker. He was a Whig in politics, and was quite ready on all occasions to advise and to act for the success of his party. His reading was somewhat extensive, and his writing was marked by good sense and fair scholarship. In the Legislature he was much respected by all parties for his inoffensive deportment, and business qualifications. He served for the last time at the session of 1839, at the close of which he was declared ineligible to a seat, as, at the time of his election, he held the office of Judge of the County Court. He continued in this office for several years thereafter, until reaching the age of seventy, when, by the Constitution, he could hold it no longer.

Judge Williams was a good man, and was social and kind, enlisting many friends in his unpretending way, and retaining a strong hold on their affections. One of his daughters married Dr. James Guild, of Tuskaloosa, a skillful physician, and one of the best citizens of Alabama. Judge Williams died about the year 1850, leaving many descendants and friends to cherish his memory.

GEN. WILLIAM WELLBORN, of Barbour, was a Georgian, and completed his third session in the Senate of Alabama in 1839. He was a Major-General in command of the State troops in the Indian war of 1836, and acquired much reputation and popularity for his skill and courage in fighting the savages. He possessed strong traits of character, and a fine degree of intelligence in public affairs. In 1840, he removed to Texas, where he died many years ago.

JOHN VINING was a planter, and for many years represented Madison county in both branches of the Legislature, at different periods. He possessed a lively flow of spirits, and was an entertaining companion, wielding considerable influence. He was a little past middle age, tall in person, and dressed neatly, carrying himself well on all occasions. He was believed to be the strongest man with the people in his county. He removed to Kentucky, where he died.

SAMUEL D. J. MOORE was a nephew of ex-Gov. Gabriel Moore, and a graduate of the Military Academy at West-Point, where he was highly educated. He first settled in the Cherokee region of Alabama for the practice of the law, and then removed to Tuscaloosa county. He entered public life under favorable circumstances, as a Representative from Cherokee in 1839. He participated freely in the debates of the session, with bright prospects of future usefulness. His service in the Legislature was brief, as he was soon elected Judge of the County Court, which office he resigned in 1847, to compete, unsuccessfully, with Gen. Dent for the Senate. With the scientific and literary culture which he received in early life, it was possible for him, by a diligent use of his advantages, to have occupied a space before the public of which he seems not to have availed himself. Judge Moore was an affable gentleman and was connected with a large family influence.

ARNOLD SEALE was a member only this session (1839), elected from Chambers county as a Democrat. Although he possessed a good share of intelligence and practical knowledge in the business details of life, Mr. Seale did not seek for position on the floor, and seldom occupied the time of the House. His nature was active, however, and prompted him in the faithful discharge of his duties as a public servant, in the investigations and committee-work of that day. He was a Georgian, and exhibited through life the active, go-ahead character which has long distinguished the men of that State. He was a diligent trader among the Indians, and bought of their lands; but it was upon the principles which governed him in his dealings, of strict integrity and justice. He

was clear-headed and decided in his business transactions, and a man of energy. He practiced the direction of the wise man—"Whatever thy hand findeth to do, do it with all thy might." Sanguine, cheerful, and hopeful, he went forward in the business of life to do his duty, and receive his part of the profits of well directed effort, and honest, fair dealing. His acquisitions were large in the course of a long life of health and vigor, and his benefactions to public and private uses were not stinted.

In the construction of railroads, of one of which he was President before the war, Mr. Seale displayed his usual energy. When the war came on, at an advanced age, when gray hairs and a worn-out frame should have induced him to seek repose at home, he threw himself into the contest with the enthusiasm of youth, and went about the raising of a regiment for the service, in which he expended liberally. But in this he exemplified the truth of the Scripture which says, "The spirit truly is willing, but the flesh is weak," and he was obliged to desist from a work in which his heart was deeply enlisted. Here is Southern patriotism and valor of which Alabamians, especially the *old* men, may well feel proud, and should enshrine the memory of Mr. Seale in the hearts of his countrymen as long as patriotism is a virtue. It is fit and meet that the citizens of Russell county, where he spent much of his active life, have perpetuated his name in their court-house town, which was long known as "Seale Station," on the Girard and Mobile Railroad.

After a long life of activity and usefulness in public offices, in society, and in the Church of which he was a member (Methodist), and after witnessing the reverses which have come over his native land, in material and governmental interests, Col. Seale died a few years ago, leaving a character and example worthy of preservation and imitation.

Gen. JAMES G. CARROLL, though not a member of the Legislature, is entitled to a passing notice, especially as at this session (1839) he was re-elected Adjutant and Inspector General of the State. At an early day he came from North Carolina, and settled in Madison county, which he represented one year in the Legislature. In 1831 he was first elected to the military office referred

to, for a term of four years, and in 1835 and 1839 his commission was renewed by reëlection. In 1843 he was defeated by Gen. James W. Lang, of Mobile. In 1847, the office was restored to Gen. Carroll over his immediate predecessor. At the election in 1851, Gen. Carroll was defeated by Gen. James Wickler, of Lowndes county, formerly of South Carolina, and died suddenly at Montgomery in 1854.

Gen. Carroll possessed traits of character which made him a man of mark, if not of great intellectual prominence, at least an agreeable companion and faithful officer. He never married. His nature was convivial, abounding in wit and humor. Hundreds of original and amusing anecdotes might be related of him, showing a keen sense of the ludicrous, and the wisdom of a close observer. Whenever he felt disposed to give the rein to his peculiar faculty, he created mirth and enjoyment in the circle by which he might be surrounded. His criticisms on character were extremely diverting. In a single sentence, with the most natural simplicity, he could express the whole of an individual, as the world considered him. Those who knew him will long remember his sharp and quaint observations in this line.

The heart of Gen. Carroll was all kindness and sympathy. He never refused to succor distress when he had the ability. And such was the contagious mood of his charities that he seldom failed to enlist others in behalf of any proper object when he desired. He was quite a business man, and during a portion of the time he resided in Tuscaloosa, he was a partner in a commission house, and often acted as auctioneer, in which capacity he attracted crowds by his wit, and made his snuff-box perform a very signal part during the pauses between bids. The habit of taking snuff, and the graceful tender of his box, paved the way to many cordial friendships, and to general popularity. As a master of ceremonies on public occasions, such as the inauguration of a Governor, and as Grand Marshal of the day, he acted his part well. He could form processions with skillful address, securing order by a discipline peculiarly his own, and pleasing all by his gentle commands. He was an original, of which no duplicate has been left to the world.

WILLIAM HAWN came from Virginia to Alabama. In April, 1840, he resigned the office of State Treasurer, to which he had been elected in 1835, and was appointed Cashier of the State Bank, in which capacity he served until the institution was wound up under an act of the Legislature putting the State Bank and Branches in the hands of Trustees for final liquidation. He was polite and attentive in the several offices which he filled, and was generally esteemed. He had married a sister of the Hon. John D. Phelan, and her fine Christian character no doubt exerted a good influence on him while she lived. After her death he appeared desolate, and gradually yielded to irregular habits. Much of his time he suffered from acute rheumatism, and allowance should be made for the irritability of temper which increased upon him in his latter days.

Mr. Hawn was a gentleman who had many friends, who felt deeply interested in his welfare and happiness, and who sympathized in the trials through which he was called to pass. Whatever darkness may have settled on his spirits, or on his fortunes, it should be remembered to his credit that in many respects his life had been exemplary, and that he was an honorable man. He has been dead a number of years.

JONES M. WITHERS was a graduate of the United States Military Academy at West-Point, and a native of Virginia. In addition to his own personal merits, he was supported by strong family influences. He was the brother of Mrs. Gov. Clay, and had married a daughter of Major Daniel M. Forney, an officer in the War of 1812, and formerly a Representative in Congress from North Carolina.

In 1838, Mr. Withers, then residing in Madison county, was elected Secretary of the Senate. In 1839, he was a candidate for Attorney-General, and was defeated by Matthew W. Lindsay, Esq., his competitor. Having removed to Tuscaloosa, Mr. Withers was elected a Director of the State Bank. Afterwards he changed his residence to Mobile, where he established a commission business, and was elected a Director, and appointed Attorney for, the Branch Bank. When political parties assumed a new aspect in 1855, by the organization of the American, or Know

Nothing party, he was elected a Representative in the Legislature on the American ticket. While serving at Montgomery, he was elected Mayor of Mobile, which office he accepted, but resigned it the next year, when the Democratic party, his first love, brought forward Mr. Buchanan for President. Such was the respect entertained for his character, without regard to party distinctions, that he was immediately reelected Mayor.

When the war between the North and South commenced, in 1861, Mr. Withers tendered his services to the Confederate Government, and received a commission. In the course of the war, he was promoted to the rank of Major-General, and commanded a Division in Gen. Bragg's army, while the latter was operating in Tennessee and Kentucky. After the war closed, Gen. Withers was again elected Mayor of Mobile, in which office he continued until he was displaced by the Federal authorities commanding in Alabama, under the Reconstruction Acts of Congress. As evidence of the great favor with which Gen. Withers was regarded by the people of Mobile, the fact may be stated that he procured a residence beyond the corporate limits of the city, which made him ineligible to the office of Mayor, to remove which obstacle, an amendment of the charter was obtained, and he was thereupon again elected to the Mayoralty, the duties of which office he faithfully discharged throughout his several terms. In personal appearance, Gen. Withers is attractive, and he is now devoting his varied culture and experience to the public good as Editor of the "Mobile Tribune."

MATTHEW W. LINDSAY came from Tennessee, and was a Representative from Morgan county in 1835, 1836, and 1838. He married a daughter of Constantine Perkins, the late Attorney-General, deceased, whose gallant behavior at the battle of Emuckfaw, under the command of Gen. Jackson, in loading the cannon with his musket as a ramrod, and firing it upon the Indians just in time to drive them back, had secured historic celebrity. The acquaintance Mr. Lindsay had formed with members at preceding sessions which he served, enabled him to compete successfully for the office of Attorney-General, in 1839, after which he removed to Tuscaloosa.

In 1840, Mr. Lindsay identified himself with the Whig party, and took an active part for Gen. Harrison, by addressing Tippacanoe Clubs, and other public assemblages, throughout the campaign. He was a fluent speaker, and possessed fair abilities, which he displayed to considerable advantage by his perfect self-reliance in every forum in which he appeared. He was extremely bland and courteous in his deportment; but, from what cause I know not, he always seemed to me a little short of his proper destiny. He afterwards removed to Aberdeen, Mississippi, where he died.

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## CHAPTER VIII.

### *Parties in 1840—Excitement in the Legislature, &c.*

The Presidential canvass of 1840 was remarkable as the fiercest contest ever waged in the State. When the Legislature met, on the 2d day of November, the elections had not been held in the different States; and while the Democrats had always possessed a majority in Alabama, the Whigs were buoyant with hope, and even enthusiastic to carry the State for General Harrison, and thereby compel the majority in the Legislature, under the doctrine of instruction from the people, to conform their action to the popular will, and thus elect a Whig Senator to Congress for the term of six years from the 4th of March, 1841, in the event that Alabama voted for the Whig candidate for President. Of course, it was desired, by those who advocated this policy, to postpone the election for Senator until the Presidential issue was decided. On this point a parliamentary struggle took place within the first week of the session, which was carried to great extremes on both sides, and was distinguished for the tact and ability with which the whole proceeding was conducted. As forming a portion of the history of the times, a somewhat particular notice is here given, of the exciting topics and measures of the session of 1840.

The talent, in both branches, this year was decidedly above the average, and much of it was of a very high order. Without intending to discriminate in any offensive spirit, some of the prominent names in the Senate are here introduced:

William J. Alston, of Marengo;  
 Jefferson Buford, of Barbour;  
 Gerard W. Creagh, of Washington;  
 J. L. F. Cottrell, of Lowndes;  
 Dennis Dent, of Tuskaloosa;  
 Dixon Hall, of Autauga;  
 Benjamin Hudson, of Franklin;  
 John Edmund Jones, of Sumter;  
 Peyton King, of Pickens;  
 Felix G. McConnell, of Talladega;  
 Hugh McVay, of Lauderdale;  
 William S. Phillips, of Dallas;  
 George Reese, of Chambers;  
 Green P. Rice, of Morgan;  
 Nathaniel Terry, of Limestone;  
 Harry I. Thornton, of Greene;  
 Theophilus L. Toulmin, of Mobile;  
 Daniel B. Turner, of Madison;  
 Thomas Wilson, of Jackson;  
 Daniel E. Watrous, of Shelby.

For the organization of the Senate, Mr. Cottrell was elected President without opposition, he having received 29 votes, being all that were cast. Pleasant Hill, of Bibb, received 30 votes, and was elected Secretary, without opposition. Six ballotings took place for Assistant Secretary—Madison Gordon, Spartan Allen, George G. Lyon, and Andrew B. Stephens, being the candidates. On the last ballot Mr. Gordon received 17 votes, and was declared elected Assistant Secretary of the Senate.

In the House of Representatives, about ninety gentlemen answered when the roll was called, some of whose names are furnished as among the ablest debaters and most active business members of the House:

Robert A. Baker, of Franklin;  
 John Barron, of Perry;

Joseph Bates, of Mobile;  
A. Q. Bradley, of Perry;  
Robert B. Campbell, of Lowndes;  
Jeremiah Clemens, of Madison;  
Walter H. Crenshaw, of Butler;  
James M. Davenport, of Marengo;  
Jonathan Douglass, of Lauderdale;  
George Hill, of Talladega;  
Samuel S. Houston, of Washington;  
John S. Hunter, of Lowndes;  
Joseph J. Hutchinson, of Montgomery;  
William M. Inge, of Sumter;  
Robert Jemison, Jr., of Tuskaloosa;  
Charles C. Langdon, of Mobile;  
Blake Little, of Sumter;  
Solomon McAlpin, of Greene;  
Milton McClanahan, of Morgan;  
Charles McLemore, of Chambers;  
David Moore, of Madison;  
William B. Moors, of Marengo;  
William W. Morris, of Coosa;  
William M. Murphy, of Greene;  
William H. Norris, of Dallas;  
Daniel H. Norwood, of Dallas;  
Hardin Perkins, of Tuskaloosa;  
Thomas M. C. Prince, of Mobile;  
Benjamin Reynolds, of Franklin;  
Green P. Rice, of Morgan;  
Samuel F. Rice, of Talladega;  
Oran M. Roberts, of St. Clair;  
James E. Saunders, of Lawrence;  
Henry D. Smith, of Lauderdale;  
Jeptha Spruill, of Pickens;  
Charles E. B. Strobe, of Morgan;  
Samuel Walker, of Madison;  
Tandy W. Walker, of Lawrence;  
Thomas A. Walker, of Benton;  
Etheldred W. Williams, of Jackson;

John Anthony Winston, of Sumter;  
 William O. Winston, of DeKalb;  
 Elisha Young, of Greene.

In the first election which took place, that for Speaker of the House, party lines were drawn with the utmost rigor, as may be seen from the several ballots:

|                              |                                    |           |
|------------------------------|------------------------------------|-----------|
| For Speaker . . . . .        | Samuel Walker, Democrat. . . . .   | 49 votes. |
|                              | Elisha Young, Whig. . . . .        | 41 votes. |
| For Clerk . . . . .          | William Garrett, Democrat. . . . . | 51 votes. |
|                              | Hiram Hemphill, Whig. . . . .      | 41 votes. |
| For Assistant Clerk. . . . . | Joseph Phelan, Democrat. . . . .   | 51 votes. |
|                              | George B. Saunders, Whig. . . . .  | 41 votes. |

A number of ballotings took place for the subordinate officers of the House, all resulting in the election of Wilson C. Bibb En-grossing Clerk; John Tatom, Door-keeper; and James H. Owen, Messenger.

The message of Gov. Bagby, which was of considerable length, was delivered the next day. A great portion of it referred to Federal policy, to financial matters at home, and to the criminal code prepared by the Judges of the Supreme Court, adapted to the Penitentiary form of punishment. The main topic, however, most earnestly dwelt upon, was the establishment of the General Ticket in the election of Representatives in Congress, in room of the District System then existing. In regard to internal improve-ment, the Governor recommended the construction of some work connecting the Tennessee with the navigable waters of Mobile Bay; and of the three only modes, viz: canal, railway, or McAd-amized road, he preferred the latter, for "cheapness in construc-tion and repairs, greater practicability, less liability to accidents, and greater adaptation to the convenience of the great body of the people."

## UNITED STATES SENATOR.

On the second day of the session, immediately after the Governor's message was read, Mr. Terry offered the following resolution in the Senate:

*Resolved, By the Senate, and with the concurrence of the House of Representatives, the two Houses will assemble in the Hall of the House, on Thursday, the 5th instant, at twelve o'clock, noon, for the purpose of electing a Senator in the Congress of the United States, occasioned by the expiration of the constitutional term of the Hon. Wm. R. King, on the 4th of March next.*

The vote on this resolution showed the political status of Senators, and their names are here given for that purpose—those in the affirmative were Democrats, and those voting to the contrary were Whigs—19 to 9 on this first trial of strength. Five Senators were absent, allowing all of whom to be Whigs, the complement in a full Senate would be 19 Democrats to 14 Whigs, which is about the true classification. Those who voted for the resolution were—

Messrs. President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Loyd, McAllister, McVay, Reese, Rice, Rodgers, Smith, Terry, Toulmin, Turner, and Wilson of Jackson—19.

Those who voted against the resolution, were—

Messrs. Alston, Address, Buford, Dent, King, Lea, Oliver, Thornton, and Womack—9.

The resolution was adopted on the 3d of November, and on the following day was transmitted to the House. Here the parliamentary fight commenced.

Mr. Young moved to lay the resolution of the Senate on the table, when, the hour of 12 o'clock having arrived, Mr. Strode moved to suspend the order of the day, so as to act on the resolution of the Senate, which motion prevailed by a vote of 48 yeas to 44 nays.

The motion of Mr. Young being under consideration, Mr. Bates moved that the House adjourn until 10 o'clock the next morning—yeas 42, nays 51. After some discussion, Mr. Bates renewed his motion to adjourn, which was carried.

On the 5th November, the hour of 12 o'clock having arrived, Mr. Rice moved to suspend the order of the day to enable him to offer a resolution. Here a series of motions rapidly followed:

1. By Mr. R. Fitzpatrick, that the House adjourn until 10 o'clock the next day, which was lost. Yeas 45, nays 50.
2. By Mr. Perkins, to adjourn until 9 o'clock.
3. By Mr. Bates, to adjourn until half-after 9 o'clock, which latter motion was lost. Yeas 44, nays 50.
4. By Mr. Perkins, to adjourn until half-past 9 o'clock.
5. By Mr. Hutchinson, to adjourn until 45 minutes after 9 o'clock. Yeas 45, nays 49. The question recurring on the motion of Mr. Perkins, it was decided in the negative. Yeas 44, nays 49. By leave of the House Mr. Rice withdrew his motion to suspend the order of the day.

It is necessary to say that Thursday, 5th, was the day fixed in the resolution of the Senate, for the election of Senator, at noon; and that the motions to adjourn and the calls for the yeas and nays were made by the Whigs to consume time, so as to defeat the election at the early day appointed. That object having been attained, the House proceeded to other business.

On the 6th, Mr. McClanahan offered a resolution to bring on the election of Senator on Saturday, 7th, at noon. On motion of Mr. Rice, the House resumed the consideration of the Senate's resolution for this object; whereupon, Mr. Young withdrew his motion to lay it on the table.

Mr. Moors moved to strike out all after the word "resolved," with a view to substitute the preamble and four resolutions which he offered referring to the fact that the election of President of United States would take place on Thursday, 9th instant, and that the voice of the people then expressed should govern in the election of Senator. The fourth resolution is in the following words:

*Resolved*, That as after the Presidential election shall have taken place, we will be much better prepared to represent the will and wishes of the people of Alabama, and believing in the correctness of the republican doctrine that it is the duty of the representative to obey the will of his constituents, an additional reason is therefore presented to us why we should, for the present, postpone the election for Senator.

Mr. Morris moved to amend the substitute by striking out all after the first resolution, with a view to insert the following:

*Be it further resolved*, That the interest of the State requires that we now go into the election of a Senator to represent this State in the United States Senate, for the following reasons:

1. That it will in no wise violate the principle of the right of instruction; should there be a change in public opinion, it will be competent for this body to instruct said Senator in accordance with the then will of the people.

2. Because the exciting question is now pending, having been transmitted to this House from the Senate, and the sooner disposed of and the local business of the State entered upon, the better for the people.

*Resolved*, That we fully recognize the old republican doctrine, the right of instruction, and in disposing of this question now, we do not violate or infringe the right of the people to rule.

*Resolved*, That said election, with the concurrence of the Senate, do take place in the Representative Hall, on to-morrow, at 12 o'clock, and that the best interest of the State will thereby be promoted.

Then followed a series of motions, and much animated skirmishing, amid violent uproar, and the wildest confusion at times, which lasted until past midnight on Saturday morning. A scene of greater tumult and excitement was never before witnessed in the Legislature. The object of the Whigs was to produce delay, so as to prevent definite action on the resolution to bring on the election of Senator, until the hour had expired for the meeting of the two Houses on joint-ballot. Some idea may be formed of the temper and tenacity of members of both political parties by the entries on the Journal, of which an abstract is submitted:

Immediately after Mr. Morris had offered his amendment, Mr. Langdon moved that the House adjourn until ten o'clock next morning; which motion was lost. Yeas 46, nays 49.

Mr. Hutchinson called for a division, which was first ordered on striking out. Mr. Bates moved for a call of the House, which was lost. Yeas 41, nays 49. Mr. Hall then moved that the House adjourn until 10 o'clock the next morning, which was also lost. Yeas 44, nays 49.

The motion of Mr. Morris to strike out being still under consideration, Mr. Shanks, of Barbour, moved that the House adjourn to 10 o'clock the next morning. Yeas 42, nays 44. Mr. McAlpin then made a similar motion, which was lost. Yeas 41, nays 47.

Mr. Bates moved that the House adjourn until the next morning, 59 minutes after 9 o'clock. The Speaker (Mr. Young in the chair) decided that a motion to adjourn was always in order. From

this decision Mr. Baker appealed to the House; and the question being stated—"Shall the decision of the Chair stand as the judgment of the House?" it was voted in the negative. Yeas 44, nays 48.

The amendment of Mr. Morris being yet under consideration, Mr. Little, of Sumter, moved that the House adjourn until 10 o'clock the next morning. The Chair (Mr. Young presiding) pronounced the motion out of order under the decision of the House just made. Mr. Little appealed to the House, and the last decision of the Chair was sustained. Yeas 51, nays 32.

The calls for yeas and nays on points of order, and on motions to adjourn, will appear by the following summary, the whole taking place at a very late hour of the night:

1. By Mr. Little, that the House adjourn until 10 o'clock the next morning—ruled out of order under the decision of the House just made. On appeal, the last ruling of the Chair was sustained. Yeas 52, nays 34.

2. By Mr. Inge of Sumter, that the House adjourn until 10 o'clock next morning—ruled out of order; and, on appeal by Mr. Hutchinson, the Chair was sustained—49, 36.

3. By Mr. Bates, to adjourn to the same hour—ruled out of order; and, on appeal by Mr. Hutchinson, the Chair was sustained—50, 35.

4. Mr. Bates again moved that the House adjourn to the same hour. Mr. Speaker Walker having resumed the chair, decided the motion to be in order. The House refused to adjourn. Yeas 45, nays 46.

5. Again by Mr. Bates, to adjourn to the same hour. Yeas 45, nays 47.

6. By Mr. Hutchinson, to adjourn until the next morning at 45 minutes after 9 o'clock, which motion was lost—46, 47.

7. By Mr. Jemison, to adjourn to 40 minutes after 9 o'clock, which was refused by a vote of 46 to 47.

8. Again by Mr. Jemison, to adjourn to 35 minutes after 9 o'clock, which was lost by a tie vote—47 to 47.

9. By Mr. Little, to adjourn until 10 o'clock the next morning. Lost—42 to 47.

The resolution from the Senate, and the amendment of Mr. Morris to the amendment of Mr. Moors being still under consideration, Mr. McClanahan moved to lay it on the table, which motion prevailed.

Mr. Hutchinson then moved that the House adjourn until 10 o'clock next morning, which was refused—41 to 48.

At this stage of the question, after the members were exhausted by a continuous session of eighteen hours, in a parliamentary contest by the Democrats to bring on the Senator's election on the 7th, and by the Whigs to prevent the election at the time appointed in the resolution, Mr. Reynolds, of Franklin, took the floor and appealed to his Democratic co-laborers to yield the mere question of time, as the result would be the same whenever the election for United States Senator took place. Just previously, and after the House had, on his motion, laid the resolution of the Senate on the table, Mr. McClanahan prepared to offer an original resolution to bring on the election of Senator at the time indicated in Mr. Morris' amendment, in which it was known that the Senate would concur in accomplishing the object in view. When this step was perceived by the Whig minority in the House, Mr. Bates, of Mobile, in his bold and fearless manner, denounced it as a trick, a *snap-judgment*, to overslaugh the Whigs under false pretences, and he called upon his political friends to leave the House in a body, from self-respect, and what was due to the dignity of legislation. This course was about to be taken, when Mr. Reynolds, whose frankness and liberality commanded the respect of all parties, interposed his conciliatory influence. He did only justice, he said, in confessing his admiration of the ability, perseverance, and tact with which the minority had acted their part in resisting what appeared to them a somewhat coercive and dictatorial step on the part of the majority, to make their power felt in such mode as best suited their caprice. He would deeply regret to see such knightly combatants retire from the Hall, with the conviction that their rights had been trifled with by the majority who held together with equally honest zeal to carry out their principles. He indulged the hope that his political friends would consent to adjourn, after so long and boisterous a sitting, and that the Whig members would remain in their seats.

The appeal was successful. It was made at three o'clock in the morning, when the House was worn out by fatigue and excitement. On motion of Mr. Reynolds, the House then adjourned until 10 o'clock that morning.

Between the several votings here noticed, many speakers occupied the floor, with more or less intensity in the discussion. On the Democratic side of the House, Mr. Saunders was the acknowledged leader. He was cool and vigilant, and at times severely aggressive, though always with courtesy and sound taste. He was supported by a number of gentlemen belonging to the same political school who displayed considerable ability in debate, among whom were Messrs. Baker, T. A. Walker, Morris, Reynolds, Clemens, Rice, H. D. Smith, W. O. Winston, Strode, W. C. Hale, and Douglass. Others may have participated in the discussions, as they sprung up more or less suddenly, whose names do not occur to my recollection.

On the part of the Whigs there was a very decided amount of ability and character. Mr. Bates, of Mobile, was the leader in the Senatorial fight, and he bore himself with the loftiness and courage of a field marshal. He rallied his forces with tremendous energy, and always brought them up in solid phalanx. As a chief, his very presence inspired confidence. In his efforts to defend the minority from injustice, he was well sustained in debate by Messrs. Hunter, McLemore, Spruill, McGill, McAlpin, Murphy, Inge, Jemison, Perkins, Little, Hutchinson, and others. Both parties exhibited abundant resources, equal to any demand which circumstances seemed to create.

On the 11th of November, Mr. Moore, of Madison, offered a joint resolution, which was adopted, to bring on the election for Senator on Tuesday, the 17th instant, in which the Senate concurred. The two Houses having assembled in the Representative Hall, at the time appointed, the Hon. William R. King was placed in nomination as the Democratic candidate, and the Hon. John Gayle as the Whig candidate. As the votes for each were of a strictly party character, they are here stated, as showing the exact lines. Those who voted for Col. King, were—

Messrs. President, Clarke, Creagh, Dailey, Farrar, Hudson, Hall, Jones, Loyd, McAllister, McConnell, McVay, Reese, Rodgers, Smith, Terry, Toulmin,

Turner, Wilson of Fayette, and Wilson of Jackson, of the Senate; and Messrs. Adams, Adrian, Alexander, Baker, Blackshear, Clemens, Cobb, Davis of Autauga, Davis of Limestone, Dixon, Douglass, Fowler, Garrett, Griffin of Jackson, Griffin of Marshall, Hale, Hill, Houston, Hughes, Jones, Kelly, King, Mallard, Marchbanks, McClanahan, McCullough, McMillian of Blount, McMillian of Jefferson, Moore of Madison, Moore of Marion, Morris, Provence, Pynes, Randolph, Reynolds, Rice, Roberts, Saunders, Smith of Jackson, Smith of Lauderdale, Stone, Strode, Walker of Benton, Walker of Lawrence, Warren, Williams, Wilson, Winston of DeKalb, Winston of Sumter, and Wynn, of the House of Representatives—72.

Those who voted for Mr. Gayle, were—

Messrs. Alston, Andress, Buford, Dent, King, Lea, Oliver, Phillips, Thornton, and Womack, of the Senate; and Messrs. Ashurst, Barron, Bates, Bell, Blount, Bowen, Bradley, Broughton, Campbell, Crenshaw, Davenport, Davidson, Davis of Bibb, Doster, Fitzpatrick of Macon, Griffin of Shelby, Hall, Hollinger, Hutchinson, Inge, Jemison, Kidd, Langdon, Little, Mangum, Mann, McAlpin, McCoy, McGill, McLemore, Mitchell, Moors, Murphy, Norris, Norwood, Pegues, Perkins, Peters, Prince, Seawell, Shanks, Simmons, Spruill, and Young, of the House of Representatives—55.

A majority of seventeen votes on joint ballot, having been given for the Hon. William R. King, he was declared duly elected a Senator of the United States for six years from the 4th of March, 1841. And here the contest ended. The Legislature then proceeded to other business, of more practical importance to the people of Alabama.

MR. SPEAKER WALKER.—The resignation of the Hon. Samuel Walker, of Madison, as Speaker of the House of Representatives, on 15th December, from indisposition, is here noticed as a rare event of its kind. Mr. Young, of Greene, who had been his competitor, immediately offered a resolution tendering him the “thanks of this House for his gentlemanly and dignified deportment during the period of his presiding over the House, and assure him of our high regard and esteem.” The House then proceeded to the election of a Speaker to fill the vacancy, when Robert A. Baker, Esq., of Franklin, was declared unanimously elected.

The members who served at this session of the Legislature deserve a more special notice than is contained in the foregoing pages. A further account will appear in the next chapter.

## CHAPTER IX.

*More of the Session of 1840—General Ticket for Congress—State House Officers.*

The elections for the popular branch of Congress in Alabama had always been by Districts, previous to the year 1840. At that time, of the five Representatives, all were Democrats except Mr. Dellet, of the Mobile District, and General Crabb, of the Tuscaloosa District. To absorb these Districts by the large Democratic majorities in North-Alabama, and thus increase the strength of the Democratic party in Congress, was a policy obvious to skillful tacticians, who sought to control public opinion, and to obtain power at the expense of opponents in the political arena. In order to understand the measure proposed for this purpose, I quote from the message of Gov. Bagby to the Legislature at the session of 1840:

With the view to concentrate more perfectly the political energies of the State so far as practicable, and of consummating the genuine State Rights' doctrine, I beg leave respectfully to suggest the propriety of changing the mode of electing members of Congress by Districts, and of substituting instead thereof the general ticket system. Every State entitled to a separate and independent existence is supposed to possess a sovereign will, constituted according to the theory of our Government, of the opinions and wishes of the majority of our people. This sovereign will, when ascertained according to the provisions of the Constitution, forms, after all, the great operative principle of representative democratic government. Hence, in elections, whatever method is most likely to obtain an expression of that will, and to carry it out in practice, is most congenial to the theory of our form of Government. According to the principles of the Constitution, the *people* of the States are represented in the popular branch of the Legislature—the *people* of the States in their aggregate sovereign capacity—and if it be true that the will of this aggregate sovereign constitutes the great cardinal and distinctive feature of representative government, it would seem to follow, inevitably, that whatever method was most likely to ascertain that sovereign will, and preserve it entire, is most conformable, not only to the spirit of the Constitution, but most conducive to the perpetuity of the sovereignty of the States. The general ticket system is not only believed to be defensible upon principle, but to be perfectly equitable in practice. It gives to a majority of the whole people of the State, at all times, whatever may be their political opinions, the entire, undivided weight of the whole representation in Congress. Whereas, the District system not only tends to engender an attachment to sectional or local interests, at the expense of the whole, and sometimes to nourish a factious spirit, but to weaken the force of the State representation, and in some instances, to paralyze it altogether in the National Legislature.

On the 6th of November, after the Senate, in committee of the whole, had referred the several portions of the Governor's message to the appropriate committees—

On motion of Mr. Hudson it was ordered that the Chair appoint a member from each judicial circuit in this State as members of the Select Committee on the resolution in relation to the general ticket system. Messrs. Terry, Hall, Address, Dent, Loyd, McAlister, King, Dailey, Clarke, and Toulmin, were appointed said committee.

In due time, Mr. Terry, Chairman, reported from the Select Committee a bill to be entitled an "Act to Establish the General Ticket System in Elections for Representatives in Congress from the State of Alabama."

The bill produced a warm discussion, which lasted several days, in which Mr. Cottrell, on the side of the Democrats, made the longest and principal speech, ably supporting in argument the grounds taken in support of the measure. Messrs. Terry, McConnell, Jones, and Hall, likewise participated in the debate favorably to the bill. The Whig side of the Senate was represented by Mr. Thornton in a speech occupying a portion of two days, which, when reported, filled ten columns of a newspaper. It was carefully prepared by reflection and arrangement, though delivered without notes, and many passages were forcible and eloquent. Of the Whig debaters who acted with Mr. Thornton in opposition to the bill, were Messrs. Alston, Buford, King, Lea, Watrous, Oliver, and Phillips. After a sharp contest, it passed the Senate by a strict party vote, except Mr. McVay, who briefly assigned reasons for differing with his Democratic friends on the passage of the bill.

After the bill was transmitted to the House of Representatives, it encountered the most decided and persevering opposition from the Whig members. A condensed statement from the Journal will show the machinery and weapons with which the battle was waged, beginning on 23d December.

The Speaker decided that it was competent to take the bill from the orders of the day. On appeal by Mr. Moors, the Speaker was sustained by the House—41 to 33. On motion of Mr. Saunders, the bill was then taken from the orders of the day—yeas 44, nays 36. Mr. Mann moved to postpone its further

consideration until the 30th instant, and make it the special order of the day; which motion was lost—38 to 47. He then moved to postpone until 28th, which was also rejected—30 to 38. Mr. Murphy moved to postpone until half-past eleven o'clock on Saturday, 26th. Mr. Saunders moved to adjourn to ten o'clock on Saturday, which motion was lost—yeas 34, nays 41. The question then recurred on ordering the bill to a third reading, when, on motion of Mr. Roberts, the House adjourned over Christmas, on Friday, until ten o'clock Saturday morning—46 to 30. When the bill was reached in the evening session on Saturday, Mr. Bates moved that the House adjourn until Monday, which was lost—34 to 37. After some discussion, Mr. McLemore renewed the motion to adjourn, which prevailed.

On Monday, 28th, Mr. Walker, of Lawrence, offered a proviso, to come in at the end of the bill, that the act should have effect only in the election of members to the twenty-seventh Congress, upon which Mr. Griffin moved the previous question, which was refused—41 to 43. On motion of Mr. Clemens, the bill was laid on the table. After several hours had been consumed in the election of Presidents and Directors of the State Bank and Branches, Mr. Rice moved to call up the bill, when, on motion of Mr. Inge, the House adjourned until the next morning.

Mr. Winston, of DeKalb, then moved to take up the bill. On a question of order, the Chair decided that it could not be read without leave of the House, from which decision the House dissented—38 to 48. Mr. Winston then renewed his motion to take up the bill, which was carried—47 to 44. Mr. Little raised a question of order, alleging that a motion to take a bill from the table merely places it among the orders of the day, and does not bring it for the immediate action of the House. The Chair decided otherwise, and that the bill was then before the House, from which Mr. Little appealed. The decision of the Chair was sustained by the House—51 to 32. Mr. Inge moved to postpone the further consideration of the bill until Monday next, which was lost—42 to 49. From the Journal, at this stage of the bill, the following passage is quoted:

Upon a question of order, the Chair decided the bill before the House is one of the orders of the day, and first in order, and has to be disposed of before other

orders of the day can be taken up; from which decision Mr. Hutchinson appeals in the following form:

“A question being under consideration, which the House has decided was not among the orders of the day, the hour of twelve arrives, and a motion is made to proceed with the orders of the day—the Chair decides the motion to take up the order of the day out of order, no motion being entertained to suspend said order: An appeal is taken from the decision of the Chair.”

The Chair was sustained by a vote of 46 to 49, whereupon Mr. Griffin, of Marshall, called for the previous question, which was sustained—46 to 43. Mr. Hutchinson moved to adjourn. “The Chair decided that a motion to adjourn was out of order before the main question was disposed of, and the decision of the Chair was sustained—yeas 50, nays 37.” The main question was then put on ordering the bill to a third reading, and carried—yeas 48, nays 43.

The next view of the bill is on Monday, 30th December, when, on motion of Mr. Saunders, the orders of the day were suspended, by a vote of 47 to 40, to take it up; and, on motion of Mr. Clemens, the bill was taken up—47 to 35. Mr. Winston, of DeKalb, called the previous question, when it appeared that there was not a quorum present—yeas 44, nays 5. No Whig member voted. Messrs. Clemens, Hall, Moore of Madison, Walker of Benton, and Walker of Lawrence, Democrats, voting in the negative. Mr. Mitchell moved that the House adjourn, which was lost. Mr. Clemens moved a call of the House, which was sustained; and he then moved to send a messenger for Mr. Walker, of Madison, and for Mr. John H. Garrett, of Cherokee, who were detained at their hotels by indisposition. When these gentlemen arrived in the Hall, Mr. Smith, of Lauderdale, moved a call of the House, when fifty-two members answered to their names.

The next question was, “Shall the main question be now put? and decided in the affirmative—yeas 51, nays none.” The main question was put, “Shall the bill pass?” and was decided in the affirmative—yeas 50, nays 23. While these proceedings were in progress, some of the Whig members had returned to the Hall, from which most of them had retired when the previous question was called, so as to prevent a quorum, and thus, if possible, to defeat the passage of the bill. But when Messrs. Walker and Garrett were brought in by the messengers sent for them, and a quorum secured, the Whigs perceived that their further absence

would be of no avail against the bill, and about half of them returned to their seats, and voted against its final passage.

Next day, Mr. Crenshaw moved a reconsideration of the vote on the passage of the General Ticket Bill. Mr. Little moved to postpone its further consideration until the day following, which was refused—30 to 47. Mr. Morris moved a call of the House; which was lost—31 to 48. Mr. Williams moved the previous question, which was sustained—49 to 34. The question on Mr. Crenshaw's motion to reconsider was then taken, and lost—38 to 49. And here the bill was beyond all parliamentary rules to change or defeat it, and to this extent the majority had triumphed after a hard struggle, bravely maintained on both sides. The scene of noise and disorder in the House at times, and especially when the Whig members retired, and after they came back in squads, under more or less excitement, it is unnecessary to describe. No attempt would be successful. Some of them even mounted the desks in defiance of the Speaker's call to order. But these things took place thirty years ago, and most of the actors are now dead, while the few that survive who witnessed the proceedings should throw the mantle of charity over the whole.

The debates of the House on the General Ticket Bill had been engaged in with zeal and ability, which have been noticed in a previous chapter relative to the election of Senator of the United States, both measures involving strictly political competition, with the consequences of success or defeat to animate or depress the rival parties. As to which deserved the victory, I express no opinion, after so great a lapse of time; but candor obliges me to say I was very well satisfied with the results, and so far as my influence, in the public positions I then held, permitted, I gave it in favor of the Democratic policy on these issues. My relation to the Whig members of the Legislature was always that of personal courtesy and good feeling, and to many of them I am indebted for great political favors, when it was my fortune to seek preferment at the hands of the Legislature. Of such kindness I shall ever retain the most grateful recollection.

In the meantime, after the passage of the General Ticket Bill, a very elaborate *Protest* had been prepared, which Mr. Bates, for

himself and about forty other Whig members, presented to the House on the 4th of January, 1841, in which many points are taken, by way of complaint, against the action of the majority under erroneous and improper rulings of the presiding officer. The second paragraph of the *Protest* is in the following words:

The undersigned have been taught by the majority that no appeal can have any other influence than to strengthen this determined system of abuses. They have originated measures, radical in themselves, untried in practice, unknown to the people, which are to be permanent and universal in their operation, without allowing to the minority the privilege to amend, or the right to discuss. They have construed rules to the adaptation of the particular case, and enforced them with an eye to success alone. The minority will not examine the merits of the General Ticket Bill. To do that they will appear before a tribunal where gag laws are not employed for the suppression of truth. They will confine themselves to an expose of the means resorted to by the majority to establish this system; and to do this, let facts be submitted to a candid people.

The protest then alleges that when the bill was on its passage in the House, Mr. Perkins submitted an amendment, and while the Clerk was reading it, Mr. Bates, perceiving that the previous question was likely to be called to cut off the amendment, twice addressed Mr. Speaker, without securing his attention, after which Mr. Winston, of DeKalb, addressed Mr. Speaker only once, and was promptly recognized as having the floor, who, thereupon, called the previous question, which was sustained by the majority, without action on the amendment offered by Mr. Perkins:

*Be it further enacted,* That this act shall not take effect until a majority of the people of this State shall have voted in its favor, at the next annual election, at which time a poll shall be opened in the different precincts in the several counties of this State by the Sheriffs thereof giving ten days' notice; and those approving this act may vote for it by indorsement on their ticket. "*General Ticket System,*" and the number of those voting for it shall be, under the certificates of the inspectors of elections at the respective Court-Houses, forwarded to the Secretary of State, who shall, within the first week of the next session of the Legislature, communicate the aggregate of such number of votes cast by the citizens of this State for the foregoing section of this act; and if it shall appear that the majority of the qualified voters of this State are in favor of the general ticket system, the foregoing act shall then become the law of this State.

Then follows a specific statement of the grounds of complaint, charging a combination between the Speaker and the majority, through pretended parliamentary forms, to deny the constitutional rights of the minority; and to prevent justice from being rendered to their efforts to amend the bill, and put it in a shape for public approval or disapproval at the ballot-box. The rules of the House are frequently contrasted with the decisions of the Speaker, and

reference is made to usages in the British Parliament and the United States Congress, embodied in Jefferson's Manual, to show the utter disregard of all authority in the pursuit of party objects. The language is severely critical, but no coarse epithets are applied. The closing paragraph of the protest is in the following words:

The minority feel the pride which always attends the discharge of duty, that they can return to their constituents and tell them, that in this unconstitutional and unrighteous attempt at disfranchisement; this determined spirit in the North [the northern portion of Alabama] to wield the destinies of the South in obedience to their own will and wishes—that we have done all that Representatives could do. We argued as long as permitted to speak, and, when strangled, we abandoned them. When abandonment became inefficient, we did then, for them and for ourselves, spread upon the Journals, this, our solemn protest against tyranny and usurpation.

Against the charges of the protest the Hon. Robert A. Baker, Speaker of the House, submitted a written defense, which was entered on the Journal, going considerably into detail on the circumstances which originated the complaint while the general ticket bill was progressing through the forms of Legislation. The defense is less than two pages, while the protest covers more than six pages of the House Journal. In its brevity lies much of the Speaker's vindication, the closing language of which is the following:

As a sworn officer of the House of Representatives, I have endeavored to discharge my duty faithfully, without regard to party. In the midst of excitement and confusion, injustice may have been done some gentlemen on several occasions, and no doubt as often my political friends as opponents. To have my moral character assailed with a charge of partiality to a political friend, and a denial of justice to a political opponent, I must pronounce a *calumny* that is not sustained by the facts of the case.

The record has been drawn upon freely, and incidents touching the general ticket bill, from its inception in the Senate to its final passage in the House, with extracts from *protest* and *defense*, in order that the public may see that in a former day, and among legislators of high rank for talents and virtue, what had occurred in each end of the Capitol in party warfare. Many of the actors at this period, and in this contest, deserve special attention, which I hope to bestow, to some extent at least.

## ELECTION OF STATE HOUSE OFFICERS.

To revive the past, and to perpetuate the names of men who sought employments in the administration of the State Government, I think it proper to notice the elections of 1840, here stated as having taken place on the 5th of December on joint-ballot of both Houses, with the following result:

*For Secretary of State*—William Garrett.....79 votes.

Thomas B. Tunstall.....40 votes.

*Comptroller of Public Accounts*—J. C. Van Dyke.....119 votes.

| <i>For State Treasurer.</i> | 1st ballot. | 2d ballot. | 3d ballot.     | 4th ballot. |
|-----------------------------|-------------|------------|----------------|-------------|
| Samuel G. Frierson.....     | 35          | 38         | 53             | 63          |
| Robert Caruthers.....       | 39          | 43         | 45             | 51          |
| Edward F. Comegys.....      | 23          | 18         | 9 (withdrawn.) |             |
| J. H. Thomason.....         | 22          | 20         | 11             | 4           |

To the several offices for which ballots were cast in their favor, William Garrett, Jefferson C. Van Dyke, and Samuel G. Frierson, were declared duly elected.

## SKETCHES.

At this juncture, when the author of this volume was made Secretary of State by a flattering vote of the Legislature, he believes that he violates no principle of modesty, or respect for public opinion, in submitting some particulars of his life, to accompany the sketches of other public officers elected at the session of 1840. Believing that the natural curiosity of his readers should be gratified in this respect, he proceeds with the simple narrative.

WILLIAM GARRETT was born in East-Tennessee. When in his eleventh year, he was taken from school, owing to the reverses which came upon his father, William Garrett, senior, who had been extensively engaged as proprietor of merchant mills and iron foundries, as well as in other enterprises demanding large investments of capital, and subject to the casualties always attending such business. Until his twenty-first year, the junior assisted in

the usual labors of the farm, and was, much of his time, occupied in keeping the records of his father, who was for thirty-three years Clerk of the County Court of Cocks county. In this situation he learned not only how to make up the Minutes of the Court, but he had the opportunity to see how the Journals of the Legislature were framed to show each day's proceedings with proper formality. These entries riveted his attention, and prepared his mind for similar labors, which subsequently devolved upon him.

In January, 1833, he came to Alabama, and settled in Benton county, variously occupied, and in 1837 he was elected Assistant Clerk of the House of Representatives, under Gideon B. Frierson, the Principal Clerk. For this office he was indebted, mainly, to the friendship of Gen. William B. McClellan, a Representative from Talladega, who placed him in nomination, and who, himself, had been for ten years Engrossing Clerk of the House, with large influence with members, and a correct knowledge of the forms of proceeding. To this gentleman, who is yet living in honorable retirement, Mr. Garrett is under obligations which neither time nor circumstances can efface from memory; and he takes this occasion to render his sincere and grateful acknowledgments for the early service thus rendered him, which opened the way to still greater advancement from the Representatives and people of Alabama. At the session of 1837, Mr. Frierson was elected Solicitor of the Seventh Judicial Circuit, and in 1838, Mr. Garrett was elected Principal Clerk of the House over his competitor, Pleasant H. May, Esq., of Tuskaloosa, a gentleman of fine address and abilities, who is favorably mentioned by Judge O'Neal in his "Bench and Bar of South Carolina." Mr. May subsequently removed to Mobile, to continue the practice of his profession as a lawyer, and was accidentally drowned at the wharf, several years before the war. He had represented Tuskaloosa county in the House, at the session of 1837.

At the session of 1839, Mr. Garrett was again elected Clerk of the House, and reelected in 1840, which office he resigned on being elected Secretary of State, and for the ensuing ten years he held the latter office without opposition. After the seat of Government was removed to Montgomery, he was continued in office at the session of 1849, over his competitor, John S. Storrs, Esq.,

of Shelby, a Whig, and V. M. Benham, of Lauderdale, an independent Democratic candidate. This contest was somewhat excited, from many circumstances attending it. After the expiration of his term, in 1852, Mr. Garrett declined any further election as Secretary of State, and retired to his farm in Coosa county, where he now resides. He preferred the quiet and seclusion of rural life, where he might raise his children to habits of industry, which, with the blessing of good health, would enable them to provide for themselves, as circumstances might render necessary.

In 1853, he was elected to the House of Representatives, of which body he was unanimously chosen Speaker. After this term had expired, he made no attempt to engage in public life until 1859, when he was nominated for the Senate by the Democratic party, and defeated, after receiving 1,128 votes, against 1,175 cast for his competitor, leaving an adverse majority of 47 votes out of a total of 2,303 polled on the occasion. In alluding to the result, the *Wetumpka Dispatch* of August 5, 1859, remarked:

It will be seen by the returns published in our paper, that the Democratic party have succeeded in electing all their nominees with the single exception of our noble old candidate for Senate, Col. William Garrett. We must confess our surprise at this result—but, when we review the whole ground, we can account for it. The opposition, of course, was a formidable party—formidable both in number and in talents—and brought all their energies and appliances to bear for the defeat of Col. Garrett. Swapping and trading of votes was the order of the day. At all the boxes in the county, this was the ultimatum of the opposition: "Beat Garrett anyhow! Sacrifice any of the opposition, but beat Garrett!"

They even rallied the personal enemies of Col. Garrett in Montgomery, to assist in their object. They have succeeded; but the Democratic party still lives, and our noble champion, although defeated, holds as high a place in the affections of the true Democracy as he ever did. "Defeated, but not conquered," should be the motto of Col. Garrett and his friends. We predict for Col. G. that the people will yet make amends and do him justice.

In 1863, he was elected to the Senate for a term of four years, over Capt. Leander Bryan, under the new Constitution of Alabama then in force; but the term of service was brought to a close by the surrender of the Confederate armies. Under the Constitution of 1865, he was, that year, again elected to the Senate by defeating his competitor, Col. Richard H. Smoot. The resources of the State had been greatly crippled by the war; everything was prostrate and in confusion. The State had no credit; its bonds were past due, and there was no recognized mode by which the

financial difficulties could be remedied, or the means procured to protect the public faith and defray the expenses of the Government. All these obstacles had to be encountered and overcome by legislation, and by the energies and patriotism of the people. It was a startling crisis in the history of public affairs. At this juncture, the President of the Senate, Hon. Walter H. Crenshaw, appointed Mr. Garrett Chairman of the Committee on Finance and Taxation, in reference to which the editorial correspondence of the *Union Springs Times*, dated Montgomery, February 8, 1866, sketching public characters, has the following:

\* HON. WILLIAM GARRETT, of Coosa, is the next Senator, [after Hon. A. B. Cooper,] most venerable in years, but second to no one in legislative experience, having been connected, one way and another, with the affairs of the State for a quarter of a century. He is the energetic and laborious Chairman of the important Committee of Finance and Taxation, intimately acquainted with the condition of the finances and the fiscal resources of the State. He guards the "strong box" with the most unsleeping vigilance, and is very often called the Cerberus of the treasury. Always in his seat, and ever prompt at the hour to meet the various committees of which he is a member, he can be justly classed as one of our most useful legislators, without doing any injustice to his worthy compeers. He is a man of large, round physique, almost corpulent, tells an anecdote—of which he has a large store—admirably, and is a most genial companion. His claims to preferment are freely discussed, and will be diligently pressed by his many friends.

The day on which the Legislature adjourned, when his term of service expired, and before all the members had retired from the Senate Chamber, Mr. Garrett was requested to remain a few minutes, when, to his great surprise, he was addressed by Mr. Powell, in behalf of himself and colleagues of the Committee then present, by reading the following letter:

SENATE CHAMBER, MONTGOMERY, ALA., February 15, 1867.

*Hon. William Garrett, Senator from Coosa:*

DEAR SIR—The undersigned, members of the Committee on Finance and Taxation, are unwilling to dissever the pleasant official relations which have so long existed between us, without tendering you some expression of our high appreciation of the courtesy, promptness, efficiency and zeal which have characterized all your official acts and intercourse with us. Your long and prominent connection with the legislation of the State has made you well known to the people as a public man. As such we have long been familiar with you, and held you in high estimation. But until we met you in committee, and served with you through two long sessions, embracing a period in the history of the State more important than any through which it has passed, and demanding extraordinary effort and financial ability to meet the exigencies of the times, we had no just estimate of your real worth as a legislator, and of those sterling qualities which have numbered you among Alabama's most useful and laborious public servants. As Chairman of the Committee on Finance and Taxation, you have rendered services that will connect your name with the history of our State for many long years to come.

Our official intercourse ceases to-day. As time rolls by we shall always remember our committee meetings with pleasure. For while the work before us was responsible and laborious, dignity and courtesy, congeniality and good feeling, always marked our proceedings.

We tender you, then, in this parting hour, our cordial wishes for your continued welfare and prosperity, and beg you to accept the accompanying cane as a slight token of our high esteem and regard.

Very truly your friends,

R. H. POWELL,  
E. H. MOREN,  
C. C. HUCKABEE,  
FRS. W. SYKES,  
C. P. GAGE,  
A. B. COOPER,  
WM. A. ASHLEY.

This ceremony was wholly unexpected by Mr. Garrett, and it so filled him with emotion that he was scarcely able to command his feelings. All hearts appeared to be full. He thanked the committee for the generosity and kindness with which they had honored him, and in accepting the cane with pleasure, he should lean upon it in his old age with the same confidence with which he had leaned upon the wise and patriotic counsels of the committee while in service together. He tendered them all his best wishes and a friendly farewell.

Silence and tears marked the separation, and thus ended the public life of Mr. Garrett. Under the reconstruction acts of Congress, he has been disfranchised, and rendered incapable of holding office; and yet personally he makes no complaint, as he is resigned to the necessities of his condition, along with thousands of his countrymen who have the consolation, in adversity, that no crime of their committing has deserved the punishment and the proscription awarded by the conquerors.

Before retiring from the office of Secretary of State, Mr. Garrett addressed the following letter to the Hon. J. D. Rather, Speaker of the House of Representatives, which was ordered to be spread upon the Journal:

SECRETARY OF STATE'S OFFICE, }  
MONTGOMERY, ALA., December 9, 1851. }

SIR: With the expiration of my present term of office as Secretary of State, it is my intention to close the official connexion which I will have borne to the State Government of Alabama for a period of twelve years.

They have, thus far, been to me years of much labor, responsibility, and anxiety, but also of much that was pleasant. My heart bears a grateful recollection of the many favors which, during that time, I have received at the hands of the Representatives of the people, and strongly impels me to seek some mode in which I can convey to them a parting expression of my sense of gratitude.

I hope, sir, I may be pardoned for doing so in this form and through you, as I am but following a precedent of two of my honored predecessors, the late Col. James Jay Pleasants and Col. James Innes Thornton.

With many thanks to the General Assembly for their past confidence and kindness, I offer to them my parting salutations.

With much respect, I have the honor to be your obedient servant,

W. GARRETT.

A similar communication was addressed to the President of the Senate, and likewise ordered upon the Journal of that body. These amenities it is pleasant to remember. In this connexion, it is appropriate to refer more particularly to the elegant, massive gold-headed cane, upon which was engraved the words and names following: "Presented to Wm. Garrett, Chairman of the Committee on Finance and Taxation—sessions of 1865-'6. A. B. Cooper, C. P. Gage, E. H. Moren, F. W. Sykes, R. H. Powell, C. C. Huckabee, W. A. Ashley, J. N. Drake." This beautiful token of favor from the donors, is regarded beyond all price, by Mr. Garrett, for its hallowed associations.

Soon after the Hon. Lewis E. Parsons was appointed Provisional Governor of Alabama, by President Johnson, he tendered the office of Secretary of State to Mr. Garrett, which he accepted. The principal labors of the Secretary related to applications through the Governor, for pardons from the President, in behalf of citizens of Alabama, who, by reason of alleged rebellion, had been disfranchised by the reconstruction acts of Congress. The task of preparing petitions for this object was not a part of the legitimate duties of the Secretary, and when parties applied to him to draw their papers, he was fairly entitled to receive compensation for that service, when it did not conflict with his public duties, as though he were a lawyer, or other person employed for that purpose. There was a very heavy rush on the Governor to recommend individuals to the clemency of the President, many of them to save their property, and all to be relieved from penalties more or less painful. In this work of pardon, outside of preparing the papers, the Secretary had to attach the seal of the State, to accompany the signature of the Governor, for which he was entitled to the usual fee in every instance. Complaints were made to the Governor, who appointed a commission to investigate the matter. He had been in office about six weeks when the commissioners took action; and the following communication of the Secretary

will throw light on the subject, while it also resigned the office to which he had been invited at a time of great uncertainty and excitement:

SECRETARY OF STATE'S OFFICE, }  
MONTGOMERY, ALA., Sept. 2, 1865. }

To His Excellency, LEWIS E. PARSONS, Provisional Governor of Alabama:

DEAR SIR—You have been kind enough to furnish me with the report made to you by the Commissioners appointed to investigate the charges made against me in connection with the presentation of petitions for pardons. In this report the Commissioners say, "Upon the testimony, there is no reason to doubt that so far as briefing their applications, and preparing them for submission, that these acts were performed correctly, and there is not only no evidence that any application was submitted out of the regular course, but its tendency is to prove directly the reverse."

Again, in concluding their report upon the testimony, they say, "In fine, we can find nothing in this evidence showing any act on the part of Mr. Garrett, in connection with the applications in which his services were rendered, which is reprehensible."

This report vindicates me from the commission of any act in connection with these applications for pardon which is even "reprehensible" in the opinion of the Committee. But the Commissioners, if I understand them, intimate that, holding the office of Secretary of State, I committed an impropriety in receiving compensation for services rendered, under the circumstances.

I am unwilling to hold a public trust when, in the opinion of Commissioners appointed by you, as in this case, I have even committed an impropriety in connection with the office, though that act was extra-official; and feeling a deep interest in the cause in which we are engaged, and which might in some way be embarrassed by a continuance of my official relation to the State, I hereby resign the office of Secretary of State, which you generously bestowed upon me.

I am, your friend, truly,

W. GARRETT.

In concluding this personal narrative of himself, the author has only to add, that he has enjoyed a large share of good fortune arising chiefly from his extensive acquaintance with public men, and from the opportunities thus afforded, to maintain a long connexion with public affairs. As the fruit of this experience, in part, he is enabled to give these "Reminiscences" to the public; and in performing the task, he desires to make his sincere and grateful acknowledgements of the pleasure which he has derived from his public and social relations, which have embraced a period of more than thirty years in Alabama. To preserve the names and events with which he has been more or less intimately connected during a generation which has nearly passed away, is the object of his present labors. The record, he humbly hopes, will not be an unacceptable offering to the few survivors and their descendants, as well as to the public generally.

SAMUEL GORDON FRIERSON, Treasurer, was born in Tennessee, and came in early life with his father, who settled in Tuskalooosa county. His education and talents made a favorable impression, and in 1834 and 1835, Mr. S. G. Frierson, was elected a Representative in the Legislature. In 1837, he was a candidate for the Senate, and was defeated by Gen. Crabb; and in 1838, he was again a candidate, but was beaten by his competitor, Gen. Dent. He was then appointed Postmaster at Tuskalooosa, which office he held until 1840, when he was elected State Treasurer. He was continued in this office, by successive elections of the Legislature, until 1847, when he retired, and went back to Tuskalooosa county, where he died in 1856.

In person, Mr. Frierson was large and corpulent, weighing probably not less than four hundred pounds. His humor was inexhaustible in the line of mimicry, and provoked great mirth. No man could excel him in this respect. It was a large element of his popularity. After seeing and hearing his grotesque delineations of character, from the highest to the lowest walks of life, no man could think of Mr. Frierson but as a contributor to his happiness for the time being. No sadness or depression of spirits could cloud the face, when he turned loose his batteries of fun. It was Nature in her ridiculous moods, finding the way to all hearts true to a common sympathy, and imparting cheerfulness by the mere recollection. In other respects, Mr. Frierson attracted many friends; and it is painful to reflect that one who contributed so much to the amusement of others, in his inimitable way, should have his latter days clouded with reverses of fortune, and great bodily affliction. Such, however, is the common lot of humanity. The name of Mr. Frierson will be long and pleasantly remembered by those who knew him at a brighter period of his life, when the sunshine of public favor rested upon him.

JEFFERSON C. VAN DYKE was also a native of Tennessee, and settled in Dallas county, Alabama, as a lawyer, and in 1828, represented the county in the Legislature. In 1835, he was elected Comptroller of Public Accounts, and held the office continuously, until 1847, when he retired to Marengo county, where he died a few years before the war. His being retained in office for so long

a period was evidence of his popularity with members of the Legislature.

Col. THOMAS B. TUNSTALL came from Virginia to Alabama at an early period. After being Clerk in the Land Office, in 1825 he was elected Clerk of the House of Representatives, which office he held without interruption until 1836, when he was made Secretary of State. The latter office he retained until 1840, when he was succeeded by William Garrett, then Principal Clerk of the House of Representatives, who resigned the Clerkship on December 7, 1840; whereupon Col. Tunstall was immediately elected Principal Clerk, and re-elected in 1841. He died in 1842, at the House of his brother, Dr. Peyton R. Tunstall, in Baldwin county.

Col. Tunstall was a high-toned gentleman, dignified in his deportment, and had very little sympathy or communication with persons whose manners were not refined by education and society. He possessed a strong and agreeable voice, which made him a good reader while Clerk of the House of Representatives for fourteen years. He dressed well, and always in good taste, but never married. A bill had been introduced securing to married women the property they owned at the time of marriage, and that which they might afterwards acquire by purchase or inheritance. While the bill was under discussion, it is said of Col. Tunstall, who was standing by the fire listening attentively, that he remarked to a member, "that is a good bill; I wish it may pass, for I think it will do me some good. In my attentions to the ladies, I have found several who were willing to entrust their persons with me, but not one that would go to the same extent with their property. If the bill becomes a law, I think my chance for matrimony will be much improved." Col. Tunstall, like many other lofty and honorable minds, never attached any value to money. He was the uncle of Mrs. C. C. Clay, Jr., who adorned society at Washington and Richmond several years, while her husband was Senator in Congress.

GIDEON BLACKBURN FRIERSON was born in Tennessee, and when a boy, accompanied his father to Alabama, who settled in

Tuskaloosa county, where young Frierson read law, and after his admission to the bar, he became a law partner of Lincoln Clark, Esq., in Pickensville, Pickens county. In 1834, Mr. G. B. Frierson was elected Assistant Clerk of the House of Representatives, and in 1836, when Col. Tunstall was elected Secretary of State, he succeeded him as Principal Clerk, to which office he was elected again in 1837. During the session for the latter year, Mr. Frierson was elected Solicitor for the 7th Judicial Circuit, and changed his residence to Livingston. In 1842, he was elected Judge of the County Court of Sumter county, over the Hon. Henry F. Scruggs, the incumbent. In 1847, he was a candidate for Judge of the Circuit Court, in opposition to the Hon. Samuel Chapman, and was defeated. He died in 1853.

Mr. Frierson had a well formed head, a fine, commanding person, and was quite agreeable in his address. There was a painful event in his life which it may not be amiss to notice, especially as it reflects no discredit on his memory, and may serve to restrain violent men from rashness in seeking revenge for supposed injuries. I give the particulars substantially as they were related by Mr. S. G. Frierson, a brother of G. B. Frierson.

Rufus K. Anderson, Esq., formerly of Tennessee, resided in Pickens, and was a Senator in the Legislature from 1829 to 1833. He had previously killed his own brother-in-law, Thomas P. Taul, of Franklin county, Tennessee, and was arraigned for murder. He was on trial eighteen days, during which time he was defended by Col. Felix Grundy, the eminent advocate, who succeeded in procuring his acquittal by the jury.

Mr. Anderson was said to be an over-bearing, reckless man, who insulted whom he pleased, and was generally regarded as a dangerous man. Peaceable men avoided difficulties with him, and would often submit to exactions rather than enter into a deadly conflict. To oppose him in any way, or to incur his resentment, brought life into jeopardy. It was reported that he had beaten one of his slaves to death in his barn, and had left the slave hanging from a beam. Several persons happened to pass near the barn, and from curiosity peeped through the cracks to see the negro, if there. Among those who looked in for discovery was Mr. Frierson. It appears that Mr. Anderson was then absent

from home. In the meantime, Mr. Frierson made a journey to Mississippi. When Mr. Anderson was informed of the liberty which had been taken at his barn, he declared vengeance, and set out in pursuit of Mr. Frierson to take his life. At one place in Mississippi, he dined at the house where his intended victim had stayed over night, and on learning that the latter would probably return the next day for a bundle he had left, Mr. Anderson said that he would remain, as he wished to see him. Providentially, the bundle was sent for by the person to whom it was addressed, and Mr. Frierson went in another direction. Anderson kept on his track from Mississippi to Pickensville, and arrived in a few hours after Mr. Frierson had reached home, April, 1834. The latter was in his office when he was informed of the threats of Anderson to take his life, and was advised by his friends to be prepared. He loaded a double-barrelled gun, and awaited the attack. Anderson soon appeared before the office, and called out in a loud, angry voice, "Come forth, Gideon, like a man. I am after your blood, and am determined to have it. Face the thing at once, and let it be over."

In the meantime, Mr. Frierson had retired from his office through a back door, and came facing the street where Anderson stood. On the latter perceiving him, he advanced with his pistol drawn, swearing that the time had come, and he would make sure work. Mr. Frierson discharged one load without effect, and, as Anderson still came on, he emptied the other barrel with better aim. A number of shot entered the breast and shoulder of Anderson, who, in the meantime, had fired one pistol, and drawn another. Mr. Frierson held his ground, and was about to club his gun. To ward it off, Anderson picked up a chair, which he held before him as a shield, when Mr. Frierson struck a blow with his gun which shivered the chair into fragments, and came down upon the head of Anderson with such force that the cock penetrated his brain, when he fell to the ground and died in a few minutes. Thus, the bloody encounter terminated, fatally to the aggressor, and much to the relief of the community. The relatives and friends of the deceased appeared to be perfectly satisfied with the result, and no steps were taken against Mr. Frierson for the homicide. The disagreeable necessity was forced upon him,

and he faced the peril like a man of firmness and courage in self-defense. No blame from any quarter ever attached to him for the deed. His memory has no stain from this or any other cause.

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## CHAPTER X.

### *Public Men in 1840—Sketches of Character.*

In a previous chapter, it has been intimated that the Legislature of 1840 consisted of men far above mediocrity. That session was in fact marked by abilities of a high order, equal to any that has preceded or that has succeeded it in Alabama. Many events of the session, showing the mind and experience in the two Houses, have been already noticed. It now remains to give a brief outline of some of the individual characters; and in selecting names it is a source of regret that the limits of this work necessarily preclude a more extended sketch, embracing other names justly entitled to commemoration.

#### SENATE.

1. WILLIAM J. ALSTON first appeared in the Legislature as a Representative from Marengo in 1837. In 1839, he was elected to the Senate, and after serving his term of three years, he retired until 1849, when he was elected a Representative to Congress over his able competitor, Calvin C. Sellers, Esq., of Wilcox. After his term in Congress had expired, he was again elected to the Legislature in the Lower House. Thence he withdrew from public life, and still resides in Marengo, highly respected by all parties. While he figured in the political arena, he displayed great activity and zeal as a Whig, before that party was absorbed by another organization in 1855. He was a gentleman of fine talents and culture, of engaging address, and pleasant delivery in

debate. No man had stronger convictions in the line of duty, and none was more courteous in discussion. The same measure of respect which he required from others, he cheerfully accorded to his opponents on all occasions.

JEFFERSON BUFORD came to the Senate from Barbour county in 1840, a Whig of fiery temperament. He had acted a gallant part in the Indian war of 1836, and was quite popular. He was a gentleman of extensive reading, and of punctilious scholarship, always abounding in poetic thoughts and language in debate. Somewhat erratic in his opinions and temperament, he said many things with such bitterness and severity as materially to weaken his influence as a legislator. His impulses were noble and daring, far beyond the common necessities of life, and he seemed to live in an atmosphere of his own creation. It was never my privilege to hear him speak at the bar; but while in the Senate, he made his mark more like a comet, brilliant and eccentric in its course, than as a fixed star, emitting a gentle radiance in the Heavens. Nor was this impression of his character at all diminished by the fact that, in 1855, he raised a company of emigrants, with more or less of a military organization, under peculiar rules of his own, to assist in making Kansas a slave State. He and his followers spent about a year in the attempt, on Kansas soil, and then returned to Alabama, depressed by the failure of the experiment. In 1861, Mr. Buford was a delegate in the Secession Convention at Montgomery, to succeed General Alpheus Baker, who, at an advanced stage of the session, resigned his seat to raise a Company or Regiment for the war, about the close of which Mr. Buford died. He was a gentleman of high, chivalrous character, with talents and infirmities, and in the grave may the latter be forgotten, while his good qualities, his genius and his honor, shall ever be held in pleasing remembrance.

3. JOHN R. CLARKE was a native of North Carolina, and removed to Alabama in 1834, settling in Benton county. In 1839, he was elected to the Senate, and in 1842, he was defeated by Thomas A. Walker, Esq. Mr. Clarke was again elected to the Senate in 1845, and after serving out the term, he retired

from public life. He possessed fine common sense, and great moral worth. His reading was very extensive. On a slight acquaintance, his large stores of information was not so manifest as upon a mature knowledge of his real value. Not only was his intellect well improved by literary cultivation, but his heart abounded in kindness and sympathy, and with warm and lasting friendships. He died in September, 1870, at an advanced age.

4. GERARD W. CREAGH, a native of South Carolina, was among the early graduates of Columbia College, in that State. He came to Alabama while it was a part of the Mississippi Territory, and was a Lieutenant in the battle with the Indians at Burnt Corn, in 1813, where he was severely wounded, after a most gallant contest with the savages. His Captain was the late Gen. Samuel Dale, of Mississippi, whose life and adventures have been published by the Hon. J. H. F. Claiborne. An account of this expedition is given in Pickett's History of Alabama, in which the name of Lieut. Creagh is honorably introduced. With his high literary culture, and varied information, Mr. Creagh, after the war, adopted the trade of a merchant, in Clarke county, and was successful in acquiring property. In 1838, he was elected a Representative, and in 1839, was returned to the Senate, in which he continued to serve until his death, about the year 1850. He was a gentleman of the strictest integrity, and was always appointed Chairman of the Committee on Accounts and Claims. His vigilance in guarding against fraud and extravagance was proverbial; so much so that he was called the "watch-dog of the Treasury," by way of commendation. After a claim had been indorsed by his report, there was no further use of inquiry, and it was at once allowed. Mr. Creagh was a modest gentleman, whose real worth did not show itself at first sight. His reputation is a proud inheritance to those who represent the blood and the name.

5. JAMES LAFAYETTE COTTRELL, of Lowndes, belonged to the Calhoun school of politics, and for several years was a member of the Lower House. In 1838, he was elected to the Senate by the Democratic party, with which he had identified himself, and in 1840, was elected President of the Senate without opposition.

He often participated in the debates on the floor, and, on the General Ticket question, made the leading speech in favor of that measure; the power of which may be inferred from the fact that he was requested by the Democratic Convention to write it out for publication, which he omitted to do, probably from a want of leisure. He was a clear-headed and logical debater, with strong party bias in his arguments, and at times a little petulant in discussion. After serving his term of three years in the Senate, his next candidacy was for a seat in Congress, in 1846, to fill the unexpired term of the Hon. William Lowndes Yancey, who had resigned. Samuel Beman, Esq., of Wetumpka, the half-brother of Mr. Yancey, was the competitor of Mr. Cottrell, and came within 38 votes of producing a tie in the district. This small majority was secured by Mr. Cottrell, after a hard-fought field, in which his competitor won laurels by the tact and ability he displayed in the canvass. After his return from Congress, Mr. Cottrell, in 1848, was placed on the Electoral Ticket for Gen. Cass, but resigned, and removed to Florida, where he has since acted a prominent part in the political fortunes of that State.

6. GEN. DENNIS DENT was originally from Maryland. During the war in Florida, he raised a company of volunteers in 1836, and served a campaign against the Indians, and returned to Tuscaloosa with great popularity. After serving in the House, and after Gen. Crabb was elected to Congress, he succeeded him in the Senate, in 1838, and continued to serve in that body until 1849-'50, at which session he was chosen President of the Senate. This terminated his public life. He afterwards engaged in commercial pursuits, and became a partner with B. B. Fontaine, Esq., in the commission business, under the firm of Fontaine & Dent, which proved disastrous in a financial view, and Gen. Dent, in his old age, was embarrassed, and his large property, in a great measure, absorbed to pay the liabilities of the Mobile house. In politics, he was an ardent Whig, and took a very active part for Gen. Harrison, in 1840, and for Mr. Clay, in 1844. He was quite successful in acquiring the favor of the people by his plain and winning address, with a kind word for everybody, and his purse always open to the poor and needy. Gen. Dent frequently engaged in

debate, was sensible in his views and quite pleasant in his manner. He was a man of mark in his day, always triumphant at the ballot-box. For many years he had been a member of the Methodist Episcopal Church, and died in 1860.

7. DIXON HALL was many years a Senator from Autauga county, including the session of 1840, when he shared freely in the discussions and business of the Senate. He possessed a fine person, a strong voice, and was always ready for a tilt in defense of the Democratic party, its principles, or its usages. His estimate of men appeared to be not very high, judging by the motives which he imputed to others, and which seemed to influence his own judgment. Consequently his views lacked the elevation which a more generous faith in human nature would inspire. While he managed and wrangled adroitly to gain his point, he often forgot the opinion which a more scrupulous mind might entertain of the matter in hand. But this error was common to active politicians like Mr. Hall, who believed that nothing was done while anything remained to be accomplished. After his career in Alabama, he removed to Mississippi, where he died.

8. BENJAMIN HUDSON, of Franklin, was many years in the Senate, where he was a laborious, efficient member, always on the principal committees, and usually had much to do with the condition of the banks. He was a straight-forward man, without duplicity, and was faithful in all the trusts committed to him. Often, while a debate was progressing, or when a measure needed a brief explanation, he would address a few words relevant to the question and take his seat. In this respect, his example was worthy of all imitation by other Senators, who usually inflicted long harangues on their audience, without any benefit to the cause they represented. In social intercourse, Mr. Hudson was very pleasant, and he might have included among his personal friends many who did not belong to the Democratic party. He died of cancer, in 1848.

9. JOHN EDMUND JONES, of Sumter, came to the Senate, in 1840, by a majority of 4 votes, over Samuel B. Boyd, Esq., out of 2,500 cast in the county. His faculties for electioneering were

superior. Full of resources in his own mind, by rigid discipline and cultivation, and accustomed to face large assemblies of the people, when he officiated in the pulpit as a Methodist preacher, he appeared before the masses with very great effect, although his competitor, Mr. Boyd, was a gentleman of acknowledged abilities at the bar, and a good stump orator, full of anecdote and pleasant humor. A victory over such a rival was no small achievement. His first speech in the Senate placed Mr. Jones at once among the most ready and skilful debaters. He was in the bloom of life, attractive and graceful in person, with a sonorous voice, quite musical in its modulations, and with language of great beauty and force, he could pour forth his arguments, his appeals, or his sarcasm, with powerful effect, always earnest, and often impassioned. Had he been a little more liberal toward his opponents, especially in construing their motives and plans as a party, he would have secured more sympathy, and his labors, in the end, would have been crowned with greater success. In short, had Mr. Jones divested himself of all prejudice, and awarded to his political adversaries the same honesty of intention, and the same patriotism, which he claimed for himself, which as a Christian gentleman he might well afford to do, he would have been perfectly invincible. His bitterness as a partisan impaired his usefulness in the Legislature. After his term in the Senate expired, he was, in 1844, elected Solicitor of the Mobile Circuit, over Percy Walker, Esq.; and, in 1847, he was elected Judge of the City Court of Mobile, which office he continued to hold until declining health compelled him to retire. He died about the year 1854.

10. DR. PEYTON KING was elected to the Senate from Pickens county, in 1838, and served a number of years, always sensible and vigilant, and was justly ranked among the sound thinkers and useful men of the Senate. He was zealously attached to the Whig party, and suffered no occasion to pass when its principles were assailed, without taking up the defense. Dr. King was open and manly in character, and wore no disguises. He still lives to enjoy the confidence and good opinion of his fellow citizens.

11. HENRY C. LEA, of Perry, had a noble person, and a look of majesty in his expressive face. He seemed born to govern

men, with a tone of character firm, yet conciliatory, and a smile that won all hearts. Such he appeared when he came into the Senate in 1836, with a bright future in prospect. In 1839, he was reëlected, and took position with the giants of the Senate; with Cottrell, Thornton, Terry, and Oliver. Mr. Lea bore himself with peculiar dignity in debate, and with great courtesy toward his opponents, except when they ventured at personalities or departed from the usual decorum. Then he was scathing and blistering in reply. A few scenes of this description occurred on the floor of the Senate. He was returned to the House of Representatives in 1851, and was at that session elected Solicitor of the Second Judicial Circuit. It is much to be regretted, that, in the latter years of his life he became the victim of intemperance, and the man of giant intellect and person was lost in the shadow which pursued him. The fact is here stated with much hesitation and regret, and nothing but the hope of serving others by holding up the melancholy result has induced its notice here. The wreck of such a man brings no dishonor upon his kindred. He died about the year 1855. The second wife of President Houston, of Texas, was a sister of Mr. Lea.

12. FELIX GRUNDY McCONNELL was a Tennessean by birth, and settled in Talladega, as a lawyer, about 1834. In 1836, he was elected Clerk of the County Court; in 1838, a Representative in the Legislature; and a Senator in 1839. In 1842, he was elected a Major-General. He continued in the Senate until 1843, when he was the Democratic candidate for Congress, and succeeded over his Whig competitor, W. P. Chilton, Esq. In 1845, he was reëlected, as an independent candidate, over Samuel F. Rice, Esq., the Democratic nominee, and while at Washington City Gen. McConnell committed suicide, in September 1846.

What public man in Alabama, or elsewhere, ever made such strides in the way of advancement in less than ten years? No obstacle, it seems, could impede his onward march. He moved like a conqueror, driving the ablest opposition before him. Surely there must have been a secret power in such a man, such a victor. To those who knew him, the mystery is at once explained by the wit and congeniality with which he captivated universal favor,

even in spite of defects and vices which, unfortunately, disfigured his otherwise noble character. His originality was fresh and true to nature. No attempt at description could be successful.

When Col. Lehmanowsky, a Polish officer, who accompanied Napoleon to Egypt, was in Tuscaloosa delivering temperance lectures, in 1842, nearly all the members of the Legislature were present on one occasion, besides a vast concourse of citizens. After the lecture had ended, Gen. McConnell rose in the audience and moved that a temperance society be at once formed, which he would be the first to join. The motion was carried by acclamation, and hundreds took the pledge on the spot. A number of beautiful speeches were made on the occasion, but none had the pathos and overwhelming effect of Gen. McConnell's. He confessed and mourned how he had trifled away his past life; how he had abused his faculties by the too free indulgence in the use of ardent spirits; but his eyes were now opened, and he was clothed in his right mind, resolved by the assistance of Heaven to be a new man in future. His friends heard the resolution with delight, and hoped that he might have the self-control to make it good by a permanent reform, but still they had their fears, which proved too well founded. The old habit was revived, and in four years that noble man passed from the halls of Congress to a suicide's grave! What a voice of warning to the young, issues from the cemetery!

About the close of his last term in Congress, after Texas had been incorporated in the Union, and the policy of adding to the national territory seemed the order of the day, Gen. McConnell offered a resolution in the House of Representatives to annex Ireland to the United States, which, under the rules of the House, the Speaker declared to be out of order. It was probably a joke, and was so considered by all parties; but it is significant of the character of Gen. McConnell, who was bold enough to say or attempt anything which was responsive to the great heart of humanity. Was not the statesmanship of Gen. McConnell for grasping Ireland more promising of benefits than the acquisition of Alaska from the Russian Government, by the diplomacy of Secretary Seward? There may possibly be a future to decide the question. The present authorities of the United States seem to be exploring new seas without any chart to guide them, or to point

out rocks and breakers in the voyage. St. Domingo has a place in the picture.

13. HUGH McVAY was a patriarch in the legislative history of Alabama, having commenced his career while it was a Territory, and for a period of forty years, with slight intermission, was connected with the State Government in one or other of its principal departments. In 1819, he was a delegate from the county of Lauderdale, in the Convention at Huntsville, which framed the first Constitution of Alabama. He was elected President of the Senate in 1836, and became *ex-officio* Governor on the resignation of Gov. Clay, who had been elected to the Senate of the United States. His messages were unpretending, plain, frank, and honest, in keeping with his whole character from the time he entered public life in the zenith of manhood, to an advanced age, when he voluntarily retired. He was a Senator in 1840, a Democrat in principle, and yet so liberal in his feelings as to differ from the majority, when he believed wrong or injustice was likely to be done to his political opponents, an example of which was given by his vote against the General Ticket bill, he being the only Democrat who opposed that measure. Occasionally he made brief remarks on the floor, never anything like a formal speech with flourishes and pretensions to win applause. It was more like a venerable father, with his sons around him, communicating wholesome advice—to be fair and just to all men, and to walk uprightly. He was always heard with great deference and respect, of which no man was more worthy. No blemish rested upon his name; but he was loved and trusted by all men, and was indeed a patriot without guile, and a citizen without reproach. He was a planter of large means, and a professor of religion, having been many years a member of the Methodist Episcopal Church. He died about the year 1850, at, probably, not less than eighty-five years of age.

14. DR. SAMUEL C. OLIVER entered the Senate, from Montgomery, in 1839. He was a gentleman of refined literary taste, and was affable and courteous in his deportment. In the debates he frequently engaged, which he always made interesting by his sensible

view of the question, and by the rhetoric and poetry of his style. The scholar was apparent in all his efforts, and he often indulged in classical allusions to give force and pungency to his remarks. His voice was not very pleasant, owing to its sudden variations of quality, from some disease of the throat, and the discord which at times marked the higher notes. Occasionally he was relieved of these impediments, when his delivery was ornate and commanding. His pride of letters could never be satisfied by a careless or negligent style. He aimed at the best, and while his intellect was always lofty in its conceptions, and faithful in its logic, his physical infirmities often detracted from the impression on his hearers.

Dr. Oliver was a staunch Whig, and was generally selected by party Conventions and mass meetings, to serve on committees charged with preparing addresses to the people, through the press. The productions of his pen were able in argument and beautiful in composition. He was the author of a political romance, or some volume illustrating character, which was published about 1845, entitled, "Onslow," of the success of which in circulation, or its fate as a literary performance at the hands of the critics, I do not now remember. Though firm in his opinions as a party man, Dr. Oliver was uniformly respectful to his opponents, by whom he was personally held in high esteem. He died in 1848, in the meridian of life, universally regretted, while holding the office of Senator.

15. WILLIAM S. PHILLIPS was a lawyer from Dallas, and when I first knew him he was a member of the House, in 1837, and in 1840 he was elected to the Senate. He was the son of Dr. George Phillips, who, in 1819, with Thomas D. Crabb, was a candidate for the United States Senate, and both these gentlemen were defeated by Col. William R. King and the Hon. John W. Walker, who were elected the first Senators from Alabama. Afterwards, Dr. Phillips served many years as a Representative in the Legislature from Dallas, and was a gentleman of considerable wealth and influence.

Mr. W. S. Phillips justly occupied a high rank in the Senate for his fine business capacity, and for the strength and clearness of his mind in the discussions on important measures in which he took part. He was a close observer of things around him, could readily

detect and expose any finesse of which he suspected his political adversaries, and was always prepared to receive or to ward off the consequences, so as to render them harmless. In combats of this kind, he often wrestled with the Senator from Limestone, (Mr. Terry,) who led the Democratic side of the Senate, or rather took upon himself the office of main spokesman. I do not believe that it would be proper to say that any one gentleman, of either party, led Whigs or Democrats in the Legislature, where each member was supposed to judge and act for himself. But on such occasions Mr. Phillips was the champion of the Whig cause, who, with knightly grace, shivered a lance now and then with the rampant Senator from Limestone, the bold and skillful tactician, who was peculiarly aggressive as a partizan, and always eager for the fray. Mr. Phillips remained in the Senate a number of years with increased reputation. He was a man of wealth, and, at middle age, married a daughter of John Barron, Esq. The next view of him in public life was in the Secession Convention, in 1861, where he was a delegate. He has retired from the practice of the law, and now devotes himself to his large planting interests.

[NOTE.—The sketch of Mr. Phillips was written in 1871. He died at Selma, July 7, 1872.]

16. GEORGE REESE, of Chambers, was formerly of Georgia, and a brother of the Hon. David A. Reese, a Representative in Congress from that State before the war. Mr. George Reese was elected to the Senate of Alabama in 1839, as a Democrat, and served a term of three years, after which he retired. After the Provisional Government had been formed, and a new Constitution adopted for the State, in 1865, Mr. Reese was a candidate for Congress in the Third District, and was defeated by Gen. Cullen Battle, who was then fresh from the war with great personal popularity. As it turned out, the election availed nothing to Alabama, whose Representatives were denied admission into Congress.

Mr. Reese did not thrust himself forward in the Senate in party schemes, nor did he often engage in the debates. He looked on quietly, did good committee work, and was polite to all around him. What he said was generally in few words and always to the point. He displayed no ambition to lead, nor would he blindly

follow others who might assume this privilege. Always calm, and always independent, he appeared to be upon good terms with himself and with all the world. It is hoped that his subsequent experience has not disturbed this enviable relation which is the main source of happiness. His presence at Tuscaloosa in public and social circles will long be favorably remembered.

17. GREEN P. RICE, of Morgan, was long in public employments. At the time of his election to the Senate, in 1838, he was Judge of the County Court. At the session of 1839, he was elected President of the Senate. The report of the committee adverse to the eligibility of several members of the Senate and the House, on account of their having held certain offices at the time of their election, was not finally concurred in until about the close of the session, when the seat of Mr. Rice was declared vacant. He was reelected in 1840, after this disability was removed, and he again took his seat. After serving out his term, he was returned to the House of Representatives in 1842, and was in the Legislature so late as 1855. His health having failed, he withdrew entirely from public life.

There was something in the person and bearing of Mr. Rice which always impressed the idea of dignity in his character. In the British House of Lords he would have been noticed for the grave and formal manner, and the solemn pomp with which he arose to address the Chair. It was more like the severity of the pulpit than a legislative forum. This imposing and yet agreeable address may possibly have resulted from his exercise of the Christian ministry in early life, in Kentucky, from which State he came to Alabama. His education was sufficient to gain him admission on the list of Presbyterian clergymen, or those of any other church where a high standard of scholarship and of theological proficiency is required. There was so much sternness and dignity in the looks of Mr. Rice, that no one could feel at ease in his presence. He may have enjoyed the humor of others, but he seemed utterly incapable of indulging any of his own. His voice was clear and musical, and he was at times splendid in debate. He was conscious of his great natural advantages, and exacted deference as a right. High-minded himself, he was slow to believe in the duplicity of

others. His appearance always conveyed the idea that his lot in life was far below his deserts and his expectations. In fact, he was, no doubt, a disappointed man, and, to soothe his troubles by procuring oblivion awhile, he too often resorted to the bottle, which only increased his difficulties. Perhaps it was the great barrier to the success which he so much coveted, as a proper reward of his talents and his ambition. Taken altogether, he was a man of extraordinary mold, who, by some casualty, was prevented from reaching the very highest pinnacle of honor among men. Whatever might be his foibles, he was always a gentleman, and always noble in his appearance. He has been dead several years.

18. NATHANIEL TERRY was in the Senate from Limestone, when I first knew him in 1837, in which body he continued to serve until the session of 1844, and was four times elected President of the Senate. In 1845, he was the Democratic nominee for Governor, and was opposed by the Hon. Joshua L. Martin, as an independent candidate. Both candidates took the stump, addressing the people everywhere, and made a very animated canvass. There being no question of Federal policy to discuss, as they were both Democrats, the main point of controversy was in relation to the State Bank and Branches, Mr. Martin having been opposed to the whole system from the beginning, as his votes in the Legislature would show as far back as 1823, and Mr. Terry a supporter of the Banks, and personally their debtor to a large amount for loans to himself, and as indorser for his friends. The manner of collecting the Bank debts, and the legislation which Mr. Terry had advocated, granting indulgence until a large portion of the debts was lost through the insolvency and removal of parties, was a topic urged with great force by Mr. Martin against his competitor. In this way he was entangled and embarrassed, and though a bold and ready man to ward off assaults, Mr. Terry did not sustain himself prudently in the campaign, and was defeated. After this he made no attempt to resume public life, but confined his attention to his very large estates in North-Alabama, and to the improvement of horses and other blooded stock, of which he possessed a great number. He was a Virginian by birth, and noted for his warm and generous hospitality,

of which I had the pleasure to share on a visit to him in 1846. He removed to Texas, where he still resides, no doubt the owner of large possessions, and foremost in all the local enterprises likely to pay on the investment, and to be of general utility. His charities to the poor were always abundant.

The education of Mr. Terry was defective, in spite of which he was a good speaker—a natural orator. He uttered his words with remarkable distinctness, giving every syllable its proper sound, with emphasis when necessary to increase the effect, which the most practiced orator might have envied. In the pursuit of power for his party, he was always earnest and adroit. This was particularly manifested on the General Ticket Bill, which he introduced, and engineered through the Senate with such gusto in 1840. Yet he was capable of generous treatment occasionally, and had many personal friends among the Whigs. His career in Alabama fills too large a space in legislative annals to be soon forgotten.

19. SOLOMON C. SMITH, of DeKalb, came from Tennessee. He was a gentleman of fine sense, of modest deportment, and was many years a useful member of the House. His great popularity among the people is the best proof of his solid character. He acquired a large property by his prudence and industry, and died in 1846, before nature had stamped a line of decay upon his features.

20. HARRY I. THORNTON was a native of Virginia, but in early life removed to Kentucky, where, it is believed, he held an office under the administration of Mr. J. Q. Adams, probably that of United States District Attorney. He married a sister of Hon. John J. Crittenden, while the latter gentleman married an aunt of Mr. Thornton. Thus they were doubly connected by family ties, which strengthened and harmonized their political attachments, both being Whigs, and the warm personal friends of Mr. Clay.

I have not ascertained what year Mr. Thornton came to Alabama. He settled in Huntsville, and more than thirty years ago was elected a Judge of the Supreme Court. After retiring from

the office, he changed his residence to Mobile, where he practiced law for several years. Thence he removed to Eutaw, and in 1840 was elected a Senator in the Legislature, over John J. Winston, Esq., to fill the unexpired term of Thomas Riddle, Esq., deceased.

The high character of Mr. Thornton as a jurist induced the President of the Senate to waive the usual party selection, and he was made Chairman of the Judiciary Committee at a time of intense party excitement. His reports fully justified the wisdom of his appointment. In debate he was probably the strongest man in the Senate. He had all the qualities of a dignified and effective speaker. He declined being a candidate for reelection, and pursued the practice of his profession with great favor and success.

Judge Thornton was a delegate to the National Whig Convention at Baltimore in May, 1844, and was a Vice-President of that body. He engaged in the canvass for Mr. Clay with the full belief that he would be elected President. The defeat of his favorite statesman greatly depressed his spirits. During the administration of Mr. Fillmore, from July, 1850, to March, 1853, he was appointed by the President a commissioner to investigate land titles in California. In a few years thereafter he died. He was a gentleman of elevated, princely character, and was in the communion of the Presbyterian Church. To know him was to love him. Thousands in Alabama will cherish his memory with affection.

The Judge had a brother, Col. James I. Thornton, who was elected Secretary of State in 1824, and served, by successive elections, until 1834. He was a very high-minded gentleman, made an excellent officer, and was respected by all who knew him. At a venerable age, and with a character full of dignity and honor, Col. Thornton now resides in Tuscaloosa.

21. THEOPHILUS L. TOULMIN, of Mobile, entered public life when a young man; was elected Sheriff, then Major-General, and served in the House of Representatives. He was elected to the Senate in 1838, and continued in that body, with only short intervals, until 1864. In 1848, he was appointed Postmaster at Mobile, by President Polk, from which office he was removed by

Gen. Taylor, and was reinstated by Mr. Pierce. He was at all times a popular man before the people. In 1840, he was on the Democratic Electoral Ticket, and Chairman of the Electoral College when, in the Senate Chamber, they cast the vote of the State for Mr. Van Buren as President, and R. M. Johnson as Vice-President.

In 1865, Gen. Toulmin was defeated for the Senate by Capt. Charles P. Gage. He had always been the most popular man in Mobile county until this final contest. Gen. Toulmin could rally the whole Creole vote previously, and was selected by his party to lead their tickets when the chances were doubtful. He died in 1866.

22. DANIEL E. WATROUS, of Shelby, was for many years in the Legislature, in one branch or the other. In 1844, he was the Whig candidate for Congress, in opposition to Mr. Yancey, to fill the unexpired term of the Hon. Dixon H. Lewis, who had been elected to the Senate. Mr. Watrous was a good lawyer, and a patient, laborious member of the Legislature. He possessed abilities of a very solid order, and was capable of throwing light on all questions which he discussed. His party convictions were most decided, and he allowed no attack on his principles to be made in his presence without defending them by argument, when occasion required it. He removed to Texas, and died there several years ago.

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23. THOMAS WILSON, of Jackson, was a member of the House of Representatives in 1837, when my acquaintance with him began. For the next fifteen or twenty years he continued in the Legislature, serving in one or the other branch. Without the early advantages of education, he had succeeded in attaining a correct knowledge of government, and was a safe, efficient and truthful man in all the relations of life. He was an active, working member, who paid very little attention to idle forms, but went for the substance of any proposition when it tended to the public welfare. His face wore a kind and animated expression at all times, and he was not only popular among his constituents, but had the favor of nearly all who knew him. He is still living.

## CHAPTER XI.

*House of Representatives, 1840—Sketches of Members.*

In the preceding chapter an outline of the Senate has been attempted, with more or less accuracy in the delineation of character. Now the same office is undertaken in regard to the House of Representatives, of which a little more than one-third of the members have been selected for special comment, either from merit in the work of legislation, or for some quality for which they were distinguished. In the performance of this task it is not claimed by the writer that he has been at all times successful in his portraits, but in no instance has he wilfully done injustice to the originals.

1. JAMES M. ADAMS, of Marshall, was a young lawyer, and came to the House in 1840, serving a number of sessions thereafter. In 1851, he was elected Solicitor of the Huntsville Circuit. His career of usefulness was terminated in 1857, when he was lost in the Gulf of Mexico, by a collision of steamers between Galveston and New Orleans. His abilities were promising, and the future seemed to have in store for him much honor and happiness, when he was suddenly cut off by one of those calamities to which life is ever exposed, even when fortune seems the most propitious.

2. ROBERT A. BAKER, of Franklin, was in the House when I became first connected with that body as Assistant Clerk, in 1837, and toward the close of the session in 1840, he was elected Speaker, to succeed the Hon. Samuel Walker, who resigned that position from ill health. Mr. Baker presided at the called session in 1841, soon after which he removed to Sumter county, where he declined the Democratic nomination for the Senate. His second marriage was with Mrs. Potts, a daughter of Seaborn Mims,

Esq., of Sumter. Shortly thereafter, he changed his residence to Mobile, and was a partner in the commission house of Baker, Lawler & Co.

His talents were more than respectable in the public councils. Always a patient, working member while in service, he was particularly attentive to the rules of the House, and to parliamentary usage; and on many occasions, when difficulties arose on these points, creating more or less confusion, sometimes great excitement, he took the floor as peace-maker, by gently pouring oil upon the troubled waters of debate, and always with happy effect. His temperament was calm, and amid scenes of uproar and strife, of which two prominent instances—when the election for United States Senator was before the House, and the General Ticket Bill was in progress—have been already noticed. On such occasions, his influence was felt in its soothing and salutary effect upon the House. He was always sensible, always liberal, and always just. His standard of morals was high. For many years he had been an active member of the Methodist Episcopal Church, foremost in good works as a steward and leader, and when he died, in 1866, he left a vacancy in the Church and in his social relations which it was difficult to supply. A sweet savour always attaches to the name and memory of such a man as Robert A. Baker.

3. JOHN BARRON, of Perry, was a member in 1839, and for several years afterwards. He was a very intelligent planter, of sound judgment in public affairs, a Whig in politics, and a member of the Presbyterian Church. He was much respected, and was always at the post of duty, rendering the best service in his power. He died several years ago.

4. JOSEPH BATES, of Mobile, was Major-General of the 6th Division of Alabama Militia, was a member in 1837, and in 1838 was defeated for the Senate in the District composed of Mobile, Barbour and Washington counties, after a most animated canvass. He was again elected to the House in 1840, during which session, as his record will show in preceding pages, he made a principal figure in the political discussions and maneuvering which often took place. Indeed, nature seems to have marked him for

command. He was tall, athletic, and of exact symmetry in his person, with a head and face which a sculptor would delight to copy as a master-piece. His mental powers were not inferior to his physical. Though not a lawyer by profession, he had all the readiness in thought and language of a practiced speaker. He possessed greater qualities still. When difficulties multiplied, he rose with the occasion, and was always adequate to the emergency—never at a loss, never taken by surprise; and his bearing always reminded me, in conception, of a grand Field Marshal of Napoleon at the head of a column, advancing, while a hundred pieces of artillery played upon him, until he pierced the enemy's center, and decided the fortunes of the day. Gen. Bates would no doubt have distinguished himself as a commander in the field, as he had all the courage and fertility of resource which usually gain victories. Never did I gaze upon a more lofty man in his physical developments, coupled with what I knew to be his intellectual qualities. In 1844, the Hon. Henry Clay was in Mobile, and General Bates, as a warm political friend and supporter, was frequently near his person. A view of two such men, side by side, so peculiarly striking, and so gifted, each in his sphere, may never again be the privilege of any spectator. Gen. Bates removed to Texas, where he was appointed United States Marshal under the administration of Mr. Fillmore. Perhaps he is still living.

5. Dr. A. Q. BRADLEY, of Perry, served at the sessions of 1839, 1840, and 1841, and was defeated for the Senate by Col. Richard B. Walthall in 1842. He justly ranked with the most intelligent members of the House. Perhaps he had not his equal in that body, as a general, laborious student in all the branches of literature and science, in which he had made great proficiency. All his intervals of leisure were occupied in reading. He was originally from South Carolina, was a bachelor, and always resided with his mother, to whom he was devoted. With strong antiquarian tastes, he had collected around him many rare books, publications, and manuscripts; among the latter an autograph report of the celebrated leader of British cavalry, Tarleton, whose very name struck terror to the hearts of all Americans during the

Revolution of 1776, from the daring and cruelty of his exploits. Dr. Bradley was not only a cultivated gentleman in the highest sense of the term, but he was most agreeable in his address, always cheerful, and ready for social enjoyment. He remained in private life until 1859, when he was again elected to the House. In view of the election of an abolition candidate for President of the United States, a resolution was adopted by the Legislature at this session authorizing the Governor to call a Convention to take such steps as might be necessary to preserve the rights and honor of the people of the State. In the House, only two members, Dr. Bradley and Newton L. Whitfield, Esq., of Tuscaloosa, voted against it. When on its passage, and before giving his vote, Dr. Bradley said:

MR. SPEAKER—I believe the passage of such a resolution will amount to revolution. The Federal Constitution specifically enumerates the qualifications requisite in a President, and these, it is reasonable and fair to suppose, the Republican Convention will observe in nominating their candidate. A State Legislature has neither the right nor the power to add to, or subtract from, these qualifications; and a declaration on our part, that if defeated in the next election for President by the Republican candidate (even if elected in conformity with the Constitution and laws of the United States), we would not abide by the result, would, in my opinion, be an act reducing us to the level of those republics south of us, whose political history consisted in an almost continuous appeal from the decisions of the ballot-box to the arbitrament of the sword."

These remarks seem to have very much the spirit of prophecy, as events have since turned out. In politics, Dr. Bradley was identified with the Whig party.

6. ROBERT B. CAMPBELL, of Lowndes, had been a Representative in Congress from South Carolina. After his removal to Alabama, he was elected to the House in 1840, as a Whig. He was a gentleman of polished address, and of great urbanity, after the school of the olden time, and never relaxed his dignity, which appeared to be natural, and the only element in which he could live. He appeared to be somewhat out of place in the House, and though surrounded by much intelligence in his fellow-members.

he looked solitary and abstracted, from the want of congenial natures to grapple with in the forum of legislation. He was diligent on committees, and very punctual in attendance, occasionally taking the floor, and submitting, briefly, his reasons for supporting or opposing any measure under consideration. He was appointed United States Consul to Havana by Mr. Tyler, and was continued in office by Mr. Polk. To account for the latter extension of favor, it is said that the father of Gen. R. B. Campbell was a British officer, who had shown much kindness to Gen. Jackson when he was a mere boy, and was taken prisoner in South Carolina. While other officers of the British army were disposed to treat with harshness and insult the youth Jackson, who had refused to black the boots of his captors, Col. Campbell, of His Majesty's regiment of infantry, interposed his friendly offices, and saved the youth from punishment for his manly behavior on the occasion. Fifty years afterwards, Gen. Jackson became President, and, in his gratitude, was willing and anxious to make a suitable acknowledgment to the son; but, as the South Carolinians were offended by the proclamation of 1832, it was considered disreputable by the majority to hold office from President Jackson. Yet the latter never forgot Gen. Campbell, and when he returned to the Hermitage, it is said that he asked of Mr. Polk, as a personal favor, to continue him in the Consulship, which was done. Gen. Campbell has been dead many years.

JEREMIAH CLEMENS, of Madison, has received a place in the *New American Cyclopedia*, published by D. Appleton & Co., New York, from which it is ascertained that he was born at Huntsville in 1814; entered the Law Department of Transylvania University, at Lexington, Kentucky, in 1833; commenced the practice of the law in 1834; was appointed by President Van Buren, in 1837, United States Attorney for the Middle and Northern District of Alabama; in 1842, raised a company of volunteers for the defense of Texas against a threatened invasion by Mexico; in 1839, 1840, 1841, and 1843, was elected a member of the House of Representatives in the Alabama Legislature; in March, 1847, raised a company of volunteers for service in the Mexican war; was appointed Major of the 13th United States Infantry; was

appointed Lieutenant-Colonel in April, 1848, and on 9th July was appointed Colonel of the regiment; and in 1849, was elected a Senator in Congress for four years, to fill the unexpired term of Hon. Dixon H. Lewis, deceased. And it was further stated, in the same article, that, in 1856, Mr. Clemens published "Bernard Lile," a historical novel; in 1857, "Mustang Gray;" and in 1859, "The Rivals," a story of the times of Aaron Burr and Alexander Hamilton.

Certainly, the above is a flattering record for so young a man, who had scarcely attained his thirty-fifth year when elected to the United States Senate. His career in Congress was not inactive or obscure. He frequently participated in the debates, and his speeches were always marked with the ability and zeal peculiar to him. He refused to vote for the resolution extending an invitation to Father Mathew, the Irish Apostle of Temperance, to a seat within the bar of the Senate, on the ground that such high civilities ought to be accorded only to American citizens of distinguished character, or who had rendered great services to the public, and not to foreign adventurers. For similar reasons, he refused, in 1852, to countenance the formal reception of Governor Kossuth, of Hungary. On both these occasions, he was courteous in his language, and manifested great solicitude for the honor of his country, without complication with the pageantry exacted by foreigners who had succeeded, by artful means, in acquiring notoriety, and in attracting the public sympathies.

Something may be added to the account respecting Mr. Clemens. While in the Legislature, he was indeed a "bright and shining light" in discussion, never at a loss for a word, an expression, an idea, a fact, or an argument, to sustain his point, adorned by the most captivating eloquence. No gentleman on the floor could equal him in the spontaneity and smoothness of his sentences, the warmth of his coloring, and in the electric communication of his own feelings to those around him. Bold as a party leader, he aspired to control older Democrats, who were not always willing to follow his rash or premature counsels. Hence, there was often disagreement in the ranks. On such occasions, he would avow his own independence, and seek to provide honors for himself. A notable instance of the kind occurred at the

session of 1849, in the election of Senator to fill the vacancy of Mr. Lewis. The ballotings began at 12 o'clock, on 28th November, Messrs. B. Fitzpatrick, J. Clemens (Democrats) and A. F. Hopkins (Whig) being in nomination. After five ineffectual ballotings, the Senate withdrew, and the House adjourned. The next day, the two Houses again convened, and the election of Senator was resumed, when Mr. Jones, of Mobile, withdrew the name of the Hon. A. F. Hopkins, and on the first ballot, Gov. Fitzpatrick received 58, and Mr. Clemens received 66 votes, which decided the election in favor of the latter gentleman. On the several ballotings, the votes stood:

|                              |    |    |    |    |    |    |
|------------------------------|----|----|----|----|----|----|
| For B. Fitzpatrick . . . . . | 60 | 60 | 60 | 64 | 65 | 58 |
| For J. Clemens . . . . .     | 21 | 20 | 22 | 23 | 25 | 66 |
| For A. F. Hopkins . . . . .  | 50 | 49 | 47 | 37 | 33 |    |

Mr. Clemens was a delegate to the Convention at Montgomery in 1861, and was opposed to immediate secession, preferring what was known as the coöperative policy after consultation with the other States who felt aggrieved by the election of Mr. Lincoln. But after he ascertained that the Ordinance of Secession would pass by a large majority, he decided to vote for it, and assigned reasons for so doing, which have been published in the volume entitled, "The History and Debates of the Convention of the People of Alabama," by William R. Smith, Esq., of which the following is a paragraph:

"Sir [said Mr. Clemens], I never had a *doubt* as to the course it became me to take in such an emergency as this. I believe your ordinance to be wrong, and if I could defeat it, I would; but I know I can not. It will pass, and when passed, it becomes the act of the State of Alabama. As such, I will maintain and defend it against all and every enemy, as long as I have a hand to raise in its defense. As an earnest that I mean what I say, I am about to place myself in a position from which there can be no retreat."

The allusion here is, probably, to taking charge of the military force authorized by the Legislature at the session of 1859, of which Mr. Clemens had been, or was about to be, appointed Major-General, for the defense of the State, provided she had to

stand alone after the secession then anticipated. But circumstances having taken another direction, this act was never carried into effect beyond investing Major-General Clemens nominally with the command. In the latter part of the war, he went to Philadelphia to reside, where he died several years ago. While genius and frailty combined together in this gifted gentleman, let charity cover all his imperfections, while the grand and the beautiful in his character shall find a place in history.

8. WALTER H. CRENSHAW, of Butler, son of Chancellor Anderson Crenshaw, came to the House in 1838, and again in 1840. From that time, with but very little intermission, he has served in one or the other branch of the Legislature until 1867, and was never defeated. He was elected Speaker of the House in 1861, and again in 1863, and was a member of the Convention of 1865, which framed the State Constitution of that year. He was elected President of the Senate for the years 1865-6. As a presiding officer, he gave entire satisfaction. For about thirty years, he has been connected with public life, and always maintained a high character for abilities and integrity. His judgment may at all times be safely trusted, and his example is worthy of all the praise due to exalted virtue and patriotism. He is still living, and is a lawyer.

9. Dr. JAMES M. DAVENPORT, of Marengo, was a member of the House in 1840. He was an educated gentleman, of pleasant address on the floor and elsewhere, a Whig in principle, and a very respectable debater, though he never tired the patience of the House by the frequency or length of his speeches. What he had to say was presented in few words. He married a daughter of Allen Glover, Esq., and by that relation was a brother-in-law of the Hon. F. S. Lyon. After the death of Dr. Davenport, his widow married Alexander Graham, Esq., of Eutaw.

10. JOHN H. GARRETT, of Cherokee, was a native of South Carolina, and was fond of talking of duels and the code of honor which prevailed among the chivalry of that State in former days. He had quite a taste for military life, and was elected a Major

General of Alabama Militia. Before his removal to Cherokee, he was Judge of the County Court of St. Clair county. In 1840, he was elected to the House, and again in 1841, during which latter session he died at Tuscaloosa, and was buried with military honors, his old personal friend, Gen. Carroll, leading the ceremonies, including the procession of members of the Legislature who attended the funeral. Capt. D. H. Bingham, a graduate of West-Point, who commanded the "Warrior Guards," directed the firing over the grave, the first instance of the kind I ever witnessed. Gen. Garrett was of a social disposition, and could relate many incidents in his varied experience which were truly entertaining. In society, select and miscellaneous, he was always a welcome companion.

11. GEORGE HILL, of Talladega, came from Tennessee to Alabama when a young man. He served in the war of 1813 under Gen. Jackson. His mind was well improved, and by his strict integrity of character, he soon exerted a large influence among his fellow-citizens. In 1831, he was elected to the House. For many years he was a Trustee of the State University. When his Democratic friends were hard pressed for a popular candidate, they settled upon Mr. Hill, and he was again returned to the House in 1840. He owned a large property, and he preferred the quiet of retirement, as a planter, to the excitement of politics, and he remained in private life until 1857, when he was nominated for the Senate and elected. This closed his public service. Mr. Hill had a fine person, was dignified and yet social, always ready to entertain his friends, and to make all feel happy around him. His good judgment was much relied upon by those who knew him, and great common sense was the prevailing trait of his character. He died in January, 1867. While a widower, in 1856, he married Miss Caroline M. Henry, sister of George G. Henry, of Mobile. Mr. Hill was a leading member of the Baptist Church.

12. DR. SAMUEL S. HOUSTON was a Northern man, and a member of the Democratic party. For sometime he held the office of Register or Receiver in the Public Land office at St. Stephens.

He represented Washington county in the House in 1840, and at several sessions thereafter. In debate he often took part with a degree of self-reliance which showed that he was not afraid to encounter the foremost in that arena. Perhaps the medical profession not agreeing with his health or his taste, he either laid it aside or the law, or added the latter profession to it as multiplying his chances of success. He went still further, and became a minister of the Gospel. On his way to the better land, it is said that he indulged in potations which often decoy the pilgrim from the right path. Such is the last advice I have had relative to Dr. Houston.

13. JOHN S. HUNTER, of Lowndes, was on the Circuit Bench when I first knew him. In 1836, he was one of the Democratic Electors, and voted for Mr. Van Buren, with whose administration he was not satisfied, which led him to coöperate with the Whig party. At the Whig Mass Convention at Tuscaloosa, in June, 1840, he presided over its counsels, made a speech in favor of Gen. Harrison, and was placed on the Whig Electoral Ticket, which, out of a total vote of about 60,000 in the State, cast for President, received 5,000, or thereabout, less than a majority. Judge Hunter was elected to the House in 1840, and to the Senate in 1842. In 1847, he was a candidate for Congress, and was defeated by Sampson W. Harris, Esq. He was a gentleman of large wealth, and supported a liberal style, inclining somewhat to aristocratic notions, though he was usually social and courteous to all who approached him. His suavity of manners, at all times agreeable, was a little checked in appearance by a high measure of self-respect, and innate dignity of character. He was a fine scholar, and a smooth, pleasant speaker, his words falling like liquid pearls from his lips. Having planted on an extensive scale, with the means to make a variety of experiments in agriculture, he was well versed on subjects of that class, and also on internal improvements. Among the committees of the House, appointed at an early part of the session, was one on Inland Navigation, consisting of Messrs. Hunter, Winston of DeKalb, Davenport, Davidson, King, Provence, and Griffin of Jackson. A resolution was adopted instructing the committee to "inquire into the propriety and expediency of appropriating the whole of the three per

cent. fund to the completion of the Selma and Tennessee Railroad; or of some other mode of appropriating said fund, so as more closely to identify the Northern and Southern parts of our State; and that said committee report by bill or otherwise."

After sometime for deliberation, the committee reported back, that it was inexpedient to legislate on the subject referred; and the House refusing to concur, the resolution was re-committed. On the 5th January, 1841, Mr. Hunter, Chairman, made a report of considerable length, which occupies about six pages of the House Journal. The whole subject is examined with minuteness and ability, with observations on a broad and searching scale touching the interests of commerce, manufactures, and navigation, as closely involved in a common transit between the Northern and Southern portions of Alabama. The amount of the three per cent. fund arising from the sale of public lands, donated by Congress, is stated to be \$421,075 36 when first broken by the Legislature, [included as bank capital,] and the interest and profits since \$124,662 17, which form a total of \$545,737 53. Of this sum there have been expended by the Legislature, for objects of internal improvement, the following amounts:

|  |           |
|--|-----------|
| December 19, 1837, for improving the Coosa River.....        | \$30,000  |
| February, 1839, for improving the Coosa River .....          | 30,000    |
| December 20, 1837, for improving the Tombeckbee River.....   | 25,000    |
| February 1, 1839, for improving Paint Rock River.....        | 10,000    |
| February 1, 1839, for improving the Black Warrior River..... | 20,000    |
| February 2, 1839, for improving Choctawhatchie River.....    | 10,000    |
| February 2, 1839, for the improvement of Elk River.....      | 10,000    |
| <hr/>  |           |
| Total expenditure of 3 per cent. fund.....                   | \$135,000 |

Leaving an unexpended balance of \$410,727 53, to be applied to the construction of a McAdamized road, or a water communication by certain natural channels referred to, or the completion of the Selma and Tennessee Railroad, to intersect the line of railroads then in progress from Charleston, through Alabama and Mississippi, to the Mississippi River. On a review of the whole question, the committee intimate a doubt whether the Legislature, under the special act of Congress directing in what manner the fund shall be applied, have the power to devote it to the uses pointed out in the resolution, and therefore advise that if such obstacle really exist, Congress may grant the proper remedy. In

closing their very elaborate report the committee say: "In conclusion, we repeat the expression that it is now inexpedient to legislate on the subjects of the resolutions, and ask to be discharged from the further consideration thereof." The report was laid on the table, and 150 copies ordered to be printed.

After the war, Judge Hunter removed to Louisville, Kentucky, where he died. His remains were brought to his old homestead in Alabama, for interment, and were followed to the grave by hundreds of freedmen who had been formerly his slaves.

14. JOSEPH J. HUTCHINSON came from Georgia to Alabama, when quite a young man, and was admitted to the bar. In 1839, 1840, and 1841, he was a member of the House from Montgomery. He was sharp in debate, brusque in manner, and fierce in politics. At the Mass Whig Convention in Tuskalooosa, in 1840, he was quite an effective speaker, and took part in the canvass of that year for Gen. Harrison, and in 1844 for Mr. Clay. In 1845, he embraced religion, joined the Methodist Episcopal Church, and was in the itinerancy several years, and became a presiding elder in the Conference. He removed to Dallas county, and in 1851 was a candidate for Secretary of State, and was defeated by V. M. Benham, Esq. In his legislative course, Mr. Hutchinson was impulsive, and often extreme in policy and in action. He delighted in getting up scenes of excitement on the floor, that he might be the principal figure on such occasions, to reach, more effectually, his political adversaries, who, conscious of their strength by large majorities, usually kept calm and united in accomplishing their objects. On the passage of the General Ticket Bill, in 1840, he was very prominent in creating the noise and disorder which prevailed in the House. He no doubt saw the error of his ways, in this particular, and by a life of piety and effort to reform the morals of men, made the best atonement in his power for the irregularities of the past. He died in the ministry in 1869.

15. WILLIAM M. INGE was a Representative in Congress, from Tennessee, in 1833-'35, and after the expiration of his term removed to Sumter county, Alabama. He was a law partner of Robert H. Smith, Esq., at Lexington, whose first and second wives

were sisters of Col. Inge. The latter gentleman represented Sumter in the House, in 1840, and took a commanding position in that body as a Whig. The former possessed a large person, manly and expressive features, and a strong, rich voice. At times he was truly eloquent. His heart was all kindness, and his friendship all fidelity. He married Miss Marr, of Tuskalooosa, and Gen. Crabb married one of his sisters, by which connection he obtained a large family influence, to which may be added that of his brothers, Dr. Richard Inge, and Major Francis Inge, of Greene county. The three brothers were born and raised in North Carolina, all high-minded and honorable gentlemen. Col. W. M. Inge died in middle life, in 1842, of a disease of the heart.

16. CHARLES C. LANGDON, of Mobile, was of Northern birth. After he came to Alabama, he was a merchant, in Perry county, whence he removed to Mobile, and became proprietor and editor of the "Advertiser," a Whig paper. In 1839 and in 1840, he was elected a member of the House, where he acted a leading part in the debates and deliberations of that body. He was essentially a strong man, and his power was felt and acknowledged by all who served with him, or who witnessed his course. He was frequently elected to the Legislature, and never failed to sustain himself, and to render able service to his constituents and to the people of the State. In 1851, he was a candidate for Congress, and was defeated by the Hon. John Bragg. He was elected Mayor of Mobile, in which capacity he proved highly useful in promoting the health, the commerce, the prosperity, and wise police regulations of the city. In 1865, he was elected to Congress, but was denied his seat in company with the Representatives of other Southern States, who were under the ban of proscription during the will of Congress, as manifested through the several reconstruction acts. Mr. Langdon has been more than forty years a citizen of the State, and is thoroughly identified with the rights, feelings, and interests of the people. He was opposed to secession, and deemed the measure unwise and impolitic; but, after the ordinance was passed, he maintained his allegiance to the State with the ability of a statesman and the zeal of a patriot, throughout the contest. Before the war he established a place called Citronville,

thirty miles from Mobile, on the Mobile and Ohio Railroad, where he is engaged in horticulture, and in the raising of orchards and vineyards, to supply the markets with delicious fruits and wines, and with the other products of his skill and enterprise. He lives in honorable retirement from the cares of public life, with a bright record in former days.

17. DR. BLAKE LITTLE is indebted to North Carolina for his birth. At what time he came to Alabama, I am not informed. He was a member of the House, from Sumter county in 1839, 1840, and 1841. He was eminently a man of sense, of strong common sense, that most sure and valuable faculty of the human mind. His intellect was broad and penetrating, could easily grasp difficult questions, and peep into the small contrivances of party men who sometimes introduced measures less for the public good than for their own personal or party benefit. He loved to explode all such combinations, and to defeat all such selfish ingenuity. Dr. Little was a planter, and, in acquiring his profession, he, of course, became more or less a scholar, capable of expressing himself in good language. In this he was always successful, and never failed to command the attention of the House by his strong, sledge-hammer arguments and practical views on any question. He was a Whig, and a few years after his legislative service terminated, he removed to the West. I have not heard of him within the last twenty years.

18. SOLOMON McALPIN, of Greene, was a planter and lawyer who came to the House in 1837, 1838, 1839, and 1840, and was many years in the Senate. He possessed a large fortune, and took the world fair and easy. A Whig in politics, and a fair-minded, honest man, he pursued his convictions of duty with great firmness, while he was always capable of assigning a reason for the faith that was in him. He was a working member, of a solid judgment, and always ready to support good measures, let them originate either in Whig or Democratic hands. Mr. McAlpin had a large and influential family connection. He died during the war.

19. CHARLES McLEMORE, of Chambers, was born in South Carolina. My first knowledge of him was in the House, in 1837,

and in 1840 he was again elected. From that time until 1853, he was continuously in one or the other branch of the Legislature. In 1851, he was unanimously elected President of the Senate. From some cause, perhaps on the Know-Nothing question, he was defeated for the Senate by Dr. W. H. Bacon, in 1855. While on a visit to Arkansas, to look after lands in which he was interested, Mr. McLemore died at Fort Smith, in 1859.

His nature was lofty, and his gifts brilliant. Never did courtly knight grace a tournament with more skill than Mr. McLemore displayed on the floor, in a skirmish, or in a pitched battle, hand-to-hand and shoulder-to-shoulder with an adversary, in debate. His scimeter was always keen, and he often killed his antagonist by so rapid a thrust, with lightning on the blade, as if to dazzle the vision, that no wound was perceived, and nothing but the catastrophe. His soul was all fire and his heart all magnanimity. An instance or two of the latter may be given.

On the first day of the session of 1842, Mr. Kennedy, of Lauderdale, offered a resolution reciting that the action of the Legislature, hitherto, had been, in a great measure controlled, in reference to the banks, by the standing Bank Committees, which had been "unfortunate," and, as a remedy in future, it was required of each member of the House, by nine o'clock next morning, to furnish the Clerk with a statement of his liabilities to the State Bank and branches, as principal or indorser; and from said list the Clerk to annex the amount to each name, and hand it to the Speaker, by five o'clock P.M., who was requested to appoint no member so indebted, on any of the Bank Committees.

Mr. McLemore took the floor and denounced the resolution as insulting to members who happened to owe the banks as principals or indorsers. For himself, he admitted that he was thus indebted; but he was not willing to be shorn of any rights or privileges in the House which would imply that he was incompetent to legislate honestly on bank questions, or for the collection of bank debts. His notice of the imputation was scathing—it was perfectly annihilating. The young member from Lauderdale quailed under the blow, which was, indeed, of force to prostrate a giant in the arena of legislation. A heavy weight rested upon him, and he was comparatively silent and downcast during the balance of the

session. The day before that fixed for adjournment, Mr. McLemore obtained leave of absence for the balance of the session, had settled his accounts with the treasury, and was about to leave for home. After this, he came within the bar of the House, and stood until he could catch the eye of the Speaker, whom he addressed :

“Before quitting this Hall, and taking leave of members whom I may never meet again, I desire to make amends to my young friend from Lauderdale. The idea that I have done him injustice gives me pain ; and I now take this occasion to say that I exceedingly regret the spirit of my remarks, though, at the time, I believed the provocation justified them. I have since been better informed, and have learned more of the character of my young friend. I cheerfully withdraw all that was offensive, and am ready to meet him with the hand of reconciliation. In this presence the wound was inflicted, and here I desire to close it.”

With tears streaming down his face, Mr. Kennedy, full of emotion, advanced toward Mr. McLemore, with his hand extended, which the latter cordially grasped. A few kind words were spoken in a broken voice, while all the members of the House were deeply affected, some even to tears. It was a beautiful scene, and reflected honor on both parties, especially on Mr. McLemore for the noble atonement, where redress was impossible.

Then resuming his place, Mr. McLemore said: “There is still another gentleman on this floor, between whom and myself there has been no communication, owing to certain remarks I felt it my duty to make at the last session, when his father resigned his seat in the Senate of the United States, and imputed Abolition principles to the Whigs of the South. I refer to the gentleman from Madison, (Mr. Clay.) I honor the motives which induced him to consider the enemy of his father as a personal enemy of his own. What I said may have been too violent, and, on reflection, I think it was too much so, from a comparatively young man, to a gentleman so old in the public service as Gov. Clay. My nature forbids malice, and I wish to place myself right on all occasions when I have done injustice to others. Will the gentleman from Madison accept this as a peace-offering, and let the past be forgotten?”

Mr. Clay promptly arose, and said he had listened to the manly explanation of the gentleman from Chambers with pleasure, and

could not refuse to grant oblivion to the occurrence which had been referred to, though the injury, for the time being, derived peculiar aggravation, as it was levelled at one whose honor was ever dear to him. Waiving all formalities, he met the advances of the gentleman from Chambers in the same spirit of generosity, and here he was willing to bury all unkind recollections.

Mr. McLemore and Mr. Clay then mutually advanced, and shook each other cordially by the hand. The members and the audience in the galleries, appeared to be lighted up with good feelings at such an exhibition. It was truly a scene long to be remembered by those who were present. It added a fresh laurel to the brow of the noble McLemore, and gives lustre to his memory.

20. DR. DAVID MOORE, of Madison, came from Virginia to Huntsville, where he settled in 1817, for the practice of his profession. He entered early into public life, and served many sessions in the Legislature previous to 1840. At the session of 1841, he was elected Speaker of the House by a unanimous vote. Gov. Clay having resigned his seat in the Senate of the United States, Dr. Moore was a candidate to fill the vacancy. On the 24th of November, 1841, the two Houses proceeded to the election of Senator, when several candidates were placed in nomination, with the following result of two ballotings:

|                              |    |    |                       |
|------------------------------|----|----|-----------------------|
| For Arthur P. Bagby . . . .  | 59 | 66 | (Democratic nominee.) |
| For David Hubbard . . . . .  | 5  | 3  |                       |
| For David Moore . . . . .    | 60 | 59 |                       |
| For Jack Shackelford . . . . | 4  | 1  |                       |

Gov. Bagby having received a majority of all the votes, was declared duly elected Senator in the Congress of the United States. A few days thereafter, an article, under the editorial head, appeared in the "Flag of the Union," impeaching the fidelity of Dr. Moore to the Democratic party, which called forth a written explanation, which the latter gentleman read to the House as a matter of privilege. He did not ask for it a place on the Journal, but merely gave it to the newspaper press, which answered his

purpose of self-vindication. In 1842 and 1843, Dr. Moore was again in the House, and the latter proved to be his last session. His health was then failing, and about 1844 he died.

Dr. Moore possessed abilities and culture of a high order, and was a most amiable gentleman. He acquired great wealth, had several plantations on which he made annually about 1,000 bales of cotton, which he shipped to Liverpool. By this means, he was enabled to furnish sterling exchange to nearly the whole of North Alabama for many years. He maintained a generous hospitality, and shared, largely, the confidence of the people. He was a prominent member of the Methodist Church.

In his day, by his sagacity and prudence, with great solidity of character, Dr. Moore justly wielded a potent influence in the counsels of the State, and especially among his fellow citizens of North Alabama. He left two sons and two daughters to inherit his spotless name and large fortune. Both sons entered the service of the Confederate States, and acted bravely in the Southern cause. His eldest daughter married Colonel R. B. Rhett, Jr., the distinguished editor of the "Charleston Mercury," whose able pen and chivalrous sword have secured him a lofty position in the annals of the South.

21. Dr. WM. B. MOORES, of Marengo, was for several years in the House, including the session of 1840, and was afterwards four years in the Senate. His reading was extensive, his mind acute, and his disposition was restless. He was very fond of drawing nice distinctions, and making every measure conform to his ideal standard of phraseology and meaning. No gentleman could form an act or resolution with more literal accuracy. The least departure from true English, or from the harmony of style, seemed to give him pain. In debate, he was always heard with attention and respect, because he was always sensible, even when insisting upon the technicalities and precision of language, for which the largest portion of the House seemed to have no very great reverence. Dr. Moores justly belonged to the class of strong men, intellectually, and his physique was in proportion, stout and massive, inclined to corpulency. He was a gentleman of courteous address, and finished education. After his service in the Alabama

Legislature, he removed to Texas and settled in Freestone county, since which time I have not heard of him.

22. WILLIAM WRIGHT MORRIS, of Coosa, was a lawyer, and a member of the House in 1837, 1838, and 1840. In 1841, he was a candidate for Solicitor of the 8th Judicial District, and was defeated after several ballotings, of which the following is a statement:

|                          |    |    |    |    |    |    |       |
|--------------------------|----|----|----|----|----|----|-------|
| For John F. Steiner..... | 31 | 30 | 25 | 22 |    |    |       |
| For Sampson W. Harris..  | 37 | 37 | 39 | 41 | 53 | 52 | 60 70 |
| For William W. Morris..  | 30 | 31 | 30 | 31 | 39 | 38 | 39 51 |
| For Thomas S. Mays.....  | 24 | 24 | 26 | 27 | 32 | 32 | 21    |

After the fourth ballot, the name of Mr. Steiner was withdrawn; and after the seventh ballot, that of Mr. Mays was also withdrawn. Mr. Harris was therefore elected.

In 1845, Mr. Morris was a candidate for Chancellor of the Middle Division, and was again defeated. The several ballotings were:

|                            |    |    |    |    |    |
|----------------------------|----|----|----|----|----|
| For James B. Clarke.....   | 25 | 20 | 19 | 20 | 20 |
| For William W. Morris..... | 21 | 19 | 15 | 14 | 7  |
| For Wylie W. Mason.....    | 41 | 38 | 51 | 56 | 65 |
| For L. B. Robertson.....   | 36 | 47 | 37 | 30 | 23 |

Mr. Mason having received a majority of the whole was declared duly elected Chancellor of the Middle Division for the term prescribed by the Constitution.

While serving in the Legislature, Mr. Morris would often raise special committees, of which he was of course made chairman, and then would report to suit himself in the length of the documents which he submitted from committee. He was ambitious of distinction, and plunged rather too freely into the debates without having mastered the facts, and without mature views to sustain himself. By this means, his influence in the House was considerably impaired, although he was at all times regarded as a patient, laborious member, willing to discharge his duty faithfully to the public. He had a discriminating mind in the pursuit of truth. Had he been less ambitious, or thought less of self-preferment, his efforts would have been attended, probably, with

more general success. In 1842, Mr. Hubbard had introduced the white basis for representation in the Legislature, excluding the mixed or federal apportionment, of three-fifths of the slaves, which is the basis of representation in Congress. Hence, on this question, North-Alabama, where few slaves, comparatively, were held, and South-Alabama, where slaves were numerous, were arrayed against each other, which issue entered largely into the next canvass. In 1843, Mr. Morris was a candidate for the Senate, and espoused the mixed basis, in opposition to W. L. Yancey, Esq., who supported the white basis, in which contest Mr. Yancey was successful. This defeat, and his subsequent one for Chancellor, no doubt embittered the feelings of Mr. Morris, as he felt that his influence with the people had departed, and that they had no further use for his services in the public councils. In a few years thereafter he removed to Texas, where he engaged in the practice of the law, and was elected Judge of the Circuit Court. Those who knew Mr. Morris had great confidence in the rectitude of his character. When he left Alabama, he was a bachelor, and circumstances made it necessary for him to provide for a number of relatives, who looked to him as their natural protector. His conduct in this regard has been very honorable.

23. WILLIAM M. MURPHY, of Greene, belonged to the legal profession, and was a partner of William J. Vandegriff, Esq., formerly of Kentucky, a gentleman of profound acquirements. Mr. Murphy's first entrance on public life was at the session of 1840, and he at once established a leading character among the distinguished members of the House. His logical power in debate was a match for that of Mr. Saunders in all the political discussions involving the antagonism of Whig and Democratic policy. No higher compliment could be paid to his intellect than to place him in this relation to the acknowledged leader of the Democratic party in the House. In 1847, Mr. Murphy was a candidate for Congress, and, after an able canvass with his competitor (cousin), Samuel W. Inge, Esq., the latter gained the victory by small odds. In 1849-51 he was in the Senate, and afterwards removed to Texas, but soon returned to Alabama, where he died, at his residence in Selma, in 1856. If a class of intellectual

giants at any time figured in the Legislature, Mr. Murphy should be enrolled on the list, among the first in moral courage and high-toned generosity.

WILLIAM H. NORRIS, of Dallas, was a planter when he came to the House in 1840, and for several years thereafter he served in the Senate. In politics, he was a Whig of considerable influence, and a useful member of the Legislature, always aiming at the public good, instead of any selfish schemes. In middle life, he studied law, and removed to Brazil about 1865.

DANIEL H. NORWOOD, of Dallas, a planter and a Whig, was elected to the House in 1839 and 1840. He had a fine literary taste, and was a distinguished member of the Methodist Episcopal Church. In affluent circumstances, he had always upon the shelves of his library, and upon his center-table, the choicest books and publications. It has been my good fortune to see him in his own house, and to partake of his liberal hospitalities. He died in 1843, in the meridian of life, and of his usefulness.

26. HARDIN PERKINS, of Tuskalooza, was a native of Tennessee. At an early day he came into public life in Alabama, and was for several years State Treasurer, and subsequently President of the State Bank. In 1840, he was a member of the House, and for many sessions thereafter, including 1847, 1849, and 1850, soon after which he died. That excellent prelate, the late Bishop Cobbs, of the Episcopal Church, was with Maj. Perkins in his last hours, and it is hoped the prayers and counsels of so good a man had a proper influence on his heart; for, in seasons of health, Maj. Perkins seemed to manifest no concern whatever for his spiritual condition, or for the responsibilities of a future life. His example, it is admitted with regret, was in no wise singular in this regard; for most of our public men, instead of being selected for high moral virtue, seem to repudiate all qualifications of this nature.

27. THOMAS MCCARROLL PRINCE, of Mobile, was a merchant, formerly of the commission house of Prince & Garrett, and was

elected to the House in 1840, and again in 1845. After his marriage with a lady in Choctaw, he was returned to the Senate from that county in 1855. At an early day he spent a year or two in Liverpool, as a member of a large commercial house there, for the transaction of American business, pursuant to the recommendations of a convention of Southern planters and merchants, held in the city of Macon, Georgia, in 1839, so as to obtain advances on the cotton crop, through the agency of post notes, and to secure good prices for the Southern staple by holding the stock until it was demanded for immediate consumption by spinners. In this way it was hoped that combinations to control the cotton market for the benefit of speculators might be prevented, and that the natural channels of the cotton trade would be cleared of any artificial obstruction. This, at least, was the principal idea of the Macon Convention, supported by Gen. James Hamilton, of South Carolina, and other distinguished citizens, who issued an address to this effect. Among the agencies in Europe for the sale of American cotton, and for carrying out the plan agreed upon, was the house of Fontaine, Prince & Co., of Liverpool.

At this point an anecdote may be related. Mr. Prince, a portly, fine-looking gentleman, whose figure and striking appearance would command attention anywhere, had entered his name at the hotel in Liverpool as "Thomas McCarroll Prince of Mobile, Alabama." It was soon whispered in the city that the Prince of Mobile had arrived from America, and had taken lodgings at a particular hotel. Large crowds collected to see the noble stranger who, unconscious of the admiration, bore himself as became a *Prince*, as he was by nature's patent of nobility.

While in the Legislature, Mr. Prince was a Whig, and a very social, pleasant gentleman, of considerable business tact. He occasionally made speeches, which were always in good taste. He is a native of North Carolina, and a graduate of the University of that State, of the class of 1827. He is now a planter in Choctaw county, still a *Prince* by nature as by name. [Since this notice was written, this worthy gentleman died, October 16, 1871.]

28. BENJAMIN REYNOLDS, of Franklin county, was a member of the Tennessee Legislature in 1827; served in the army under

Gen. Jackson at the battle of the Horse Shoe, and assisted to bury Major Lemuel P. Montgomery, who was killed in the first charge. (The city of Montgomery was named in honor of this gallant officer.) President Jackson appointed Mr. Reynolds, Agent of the Chickasaw Indians, and after holding this office, he removed to Alabama, and settled in Franklin county. He was elected to the House in 1839 and in 1840. He was large and portly in person, and a Democrat in politics. On several occasions he manifested a liberality of feeling which secured him the respect of all. He was a man of good sense, and social in his disposition. In a few years after retiring from the Legislature, he died at a good old age, leaving the prestige of a spotless name to his descendants.

29. SAMUEL F. RICE, of Talladega, was a native of South Carolina, and a graduate of Columbia College, with large and influential family connections. He settled in the town of Talladega for the practice of the law, and was elected to the House in 1840 and 1841. He was among the sharpest debaters on the floor, skilled in making and parrying thrusts.

The election of Mr. Rice as State Printer, in 1841, may be accounted for by his connection with the press for many years, as editor of the "Watchtower," a Democratic paper published by him in the town of Talladega.

In 1845, he was nominated for Congress, and was beaten by Gen. McConnell. In the Presidential campaign of 1848, Mr. Rice espoused the cause of Gen. Taylor, and was on the Taylor Electoral Ticket in opposition to Gen. Cass. When the Southern Rights party was formed in 1851, he united with it, and was again a candidate for Congress, and was defeated by the Hon. Alexander White. Though disappointed in his aspirations for Congress, he was destined to the highest judicial honors of the State, as, in 1853, he was elected a Judge of the Supreme Court, and then settled in Montgomery. After his judicial term expired, he was, in 1859, elected to the House from Montgomery county, and in 1861 he was returned to the Senate for the term of four years.

The career of Mr. Rice, though diversified as a politician, and marked by strange affiliations, showing want of stability, has, to a considerable extent, been successful. In the Legislature he

displayed traits of character, and gave evidence of ability, which attested powerful gifts in debate, being remarkably astute for aggression, and without a rival in repartee. Many instances of the kind might be given, if space permitted. His record is peculiar, abounding in lights and shadows to quite a romantic extent, which may be thus summed up:

A college graduate; a good lawyer; an efficient editor; a member of the Legislature; State Printer; a Democrat, a Taylor man, and a Southern Rights man; a Know-Nothing in 1855; twice a candidate for Congress; a Judge of the Supreme Court; a Secessionist in 1861, and a Republican in 1870. Through all these phases of experience, the talents, wit and social qualities of Mr. Rice, his broad humor, his pungent criticisms of character, and that fertility of resource so perfectly original, have drawn around him many friends who, in their attachment, had rather be blind to his imperfections than to arraign the integrity of his motives. On the latter I presume not to sit in judgment. For these he is accountable to a higher tribunal, and the opinions of man should always be tempered with charity. Mr. Rice was for a number of years a member of the Methodist Episcopal Church.

30. **ORAN M. ROBERTS**, of St. Clair, was a graduate of the University of Alabama, and early admitted to the bar. He served in the House in 1840, his only session, during which he was modest and unpretending, though his talents were manifest. In a few years he removed to Texas, where he was elected a Judge of the Supreme Court. He was President of the Secession Convention, in 1861, and, in 1865, was elected a Senator in the United States Congress, but never took his seat, owing to the rigor of the reconstruction acts. He was a native of Alabama, and his record has reflected honor, not only on himself, but on the State which gave him birth.

31. **JAMES E. SAUNDERS**, of Lawrence, was a member of the Legislature previous to 1840, when he was again elected to the House, and made Chairman of the Judiciary Committee. In the first discussion which arose relative to the election of United States Senator, the rank assigned him, by general consent, was that of

leader on the Democratic side. He was calm as a May morning, and cold as an icicle, never permitting the exciting scenes around him to ruffle the perfect equanimity of his temper. His thoughts appeared so well arranged, and his facts so connected, that he seemed only to make a statement in order to carry his point by the force of deduction. He bore himself with so much ease, and yet with such force in debate, that while he astonished all by the strength of his logic, it seemed that he held himself back, and never darted his heaviest bolts. Congress would have been a more suitable arena for the exhibition of his true character and his eminent abilities. The laurels he gained never withered; but each successive performance added lustre to his victories.

Mr. Saunders was, for many years a Trustee of the University, and contributed to that change of administration which took place in 1837, when the Rev. Alva Woods retired from the Presidency, and was succeeded by the Rev. Basil Manly, as the head of the institution. In 1842, he changed his residence to Mobile, where he established himself in the commission business, as a member of the firm of Bradford & Saunders. In 1845, Mr. Polk appointed him Collector of the port of Mobile, which office he held four years. In 1852, he served on the Electoral Ticket which cast the vote of Alabama for Pierce and King. He possessed a large fortune, having married the daughter of Robert Watkins, Esq., formerly of Georgia. Mr. Saunders dispensed a liberal hospitality, and gave freely of his wealth to charitable objects and to the support of the ministry. He is a member of the Methodist Episcopal Church, and has faithfully discharged the duties imposed by that relation. He has acted well his part as a Christian philosopher, and is now enjoying that retirement and universal respect so well merited by his spotless character.

32. LUKE R. SIMMONS,\* of Pike, served in the Legislature of North Carolina before his removal to Alabama, where, in 1837, he was first elected to the House, and continued until the session of 1841; always a Whig in politics, but ever faithful to the interests

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\* Mr. Simmons was in the House of Commons in 1821, 1824, 1825, 1826, 1827, 1828, and in 1829, and in the Senate of North Carolina, from Columbus county, in 1830, 1831, 1832, and 1833.

of the people, without regard to party lines. He was a gentleman of great moral worth, and though a plain farmer, without any pretensions to literature, he had a sensible view of things, and could express himself to advantage. When incorporating the county-site of Pike, he called it Troy, as a tribute to Alexander Troy, Esq., his old competitor for the Legislature of North Carolina, the father of Col. D. S. Troy, of Montgomery, son-in-law of Gov. Watts.

33. HENRY D. SMITH, of Lauderdale, came from North Carolina, and, when quite young, was elected to the House in 1839, and was reelected at various times until 1859-'60. He was an intelligent planter, and frequently shared in the debates. His manner was somewhat dictatorial and petulant, as if he desired to have things exactly after his own model. He was by no means popular among his fellow-members, though he had good sense, and was attentive to the business of the House. Few could please him, and he was never backward in finding fault, and impugning the motives of others. He succeeded in acquiring a large property, and was a delegate to the Charleston and Baltimore Conventions in 1860, and followed the extreme course of Mr. Yancey. Mr. Smith died in 1869.

34. HON. SAMUEL WALKER, of Madison, was a native of South Carolina, and after his removal to Alabama was often a member of the House. He was elected Speaker at the session of 1840; but, his health failing, he resigned the Chair in a few weeks, and R. A. Baker, Esq., was elected Speaker in his place. He was a good man and was universally respected. When he resigned the Speakership, a unanimous vote of thanks was tendered him by the House, on motion of Mr. Young, who had been his competitor for the Chair. In a short time thereafter Mr. Walker died.

35. THOMAS A. WALKER, of Benton, was raised in Shelby county, and completed his education at the University of Alabama. In 1835, he was elected Solicitor of the Ninth Judicial Circuit, and was holding that office when he was elected to the House, in 1839. When the question of eligibility was decided, he and several other members, who labored under similar disqualifications,

lost their seats. When a new election was ordered for his county he returned home, and was reëlected, and again took his seat two days before adjournment. He continued to serve in the House until 1842, when he was elected to the Senate for a term of three years. In 1847, the Legislature elected him Judge of the Circuit Court, for a term of six years; and, after the election was transferred to the people, he was elected in 1851, and defeated for the same office, by Mr. Hale, in 1857.

About the year 1854, Judge Walker was elected President of the Tennessee and Selma Railroad Company, the affairs of which he managed well, and displayed great skill in the administration of its finances, much to the benefit of the stockholders. In 1859, he was again elected to the Senate, and again in 1863, when he was chosen President of the Senate, which office he held two years. Since the war, he has been disfranchised in the matter of holding office. He owns a large property, and dispenses a very cordial and generous hospitality, in which he is gracefully aided by his accomplished wife, who, before her marriage, was Miss Sarah McGee. They have no children.

The different public situations filled by Judge Walker is the highest evidence of intellectual capacity, of public usefulness and social worth. He has worked his way to high places, and now, without the marks of time on his brow, he is active and cheerful in his retirement, with a past history to assure him of his country's favor.

36. TANDY W. WALKER, of Lawrence, came to the House in 1838, and continued to serve in that body, or in the Senate, until 1845. He was quite convivial, and loved the society of boon companions. No gentleman was personally regarded with more favor. His heart was formed for friendship, and the more its emotions of that kind were indulged, the stronger the ties which followed. He frequently shared in the debates, with a vigor of mind and a degree of culture which did him credit. While passing his Winters at Tuskalooza he was much in society, and being a widower in the zenith of life, he was quite attentive to the ladies, who seemed to be fond of his company. Among the tender associations which connect the mind with the old Capitol, and with the pleasant

ant scenes of other days, nothing is more natural, nothing more prominent than the genial face and merry laugh of Dr. Tandy Walker. He was a general favorite; even among the Whigs, when party spirit ran highest in 1840, and 1844. The social enjoyments afforded by such a man can never be forgotten by old friends. And yet, after all, it is much to be lamented that the days of Dr. Tandy (as we used to call him, and he loved to be so called) were shortened by the same deceptive, fatal, agent which deprived Scotland of her idol poet, Burns, at the age of thirty-seven years. Let the warning be heard in time to resist the temptation which has brought so much ruin upon the world.

37. ELISHA YOUNG, of Greene, was formerly a professor in the University of North Carolina, at Chapel Hill. He was the Whig candidate for Congress in the Tuskaloosa District in 1837, and was defeated by the Hon. Joab Lawler, who died at Washington City, during his term of service. In 1840, Mr. Young was elected to the Legislature, and was among the most prominent members of the House. He was thoroughly versed in classical literature, and it is not too much to say that he was, in this respect, far in advance of his fellow members who figured in debate. His diction was pure, and his arguments were often adorned by apt quotations from the standard authors of antiquity, and from the traditions of mythology. His voice was soft and pleasant, and showed a high degree of culture in its management, by which means his delivery was at all times refreshing to the ear and to the mind of listeners. His person, also, was much in his favor; rather above the medium height, erect and well proportioned; added to which there was a natural dignity that completed the physical man. With these superior qualifications, perfectly self-possessed, yet always animated, Mr. Young never failed to command the attention of the House. In parliamentary decorum, and in the knowledge of the rules of the House, he was very proficient, and would have made a first-rate presiding officer, for which position he was supported by his political friends on the first day of the session, who cast for him 41 votes, their entire strength in the House, against 49 votes from the Democrats, who elected Samuel Walker, Esq., Speaker. The strictness of party organization, and the spirit of the times seemed

to require the sacrifice of the very best man of the House, who, above all others, would have graced the chair in a manner never excelled since the days of Col. James W. McClung, as a presiding officer. When called to the chair temporarily, as he frequently was, when the House was in Committee of the Whole, Mr. Young displayed his superior skill in the forms of proceeding, and his example left the impression on the majority, which all must have shared, that whatever was gained by party tactics and for party objects, in filling the chair, was lost in administrative force.

At the called session of 1841, when Gov. Bagby convened the Legislature to provide for an election of Representatives in Congress, to serve at the extra session which President Harrison had ordered for May, an unfriendly attack, in the Governor's message, was made on Mr. Webster, the Secretary of State, as hostile to the institutions of the South. Mr. Young took the floor in defense of the eminent statesman who had been assailed. The speech was a beautiful specimen of parliamentary eloquence. The report of it was copied in some of the New England papers, and was much admired by the public.

In 1843, Mr. Young was again the Whig candidate for Congress in opposition to Mr. Payne. The district was warmly canvassed by the able competitors, and the result was adverse to Mr. Young, who, soon thereafter, removed to the county of Marengo, where he had a large family (the Strudwicks) connection in whose society he sought happiness, while he and they improved respectively the large planting interests which each had founded. Mr. Young died of cancer, about the year 1850. He was a gifted and finished gentleman in the highest sense of these terms. Had he belonged to the political majority in Alabama, his experience in public life would, no doubt, have been more to the fulfillment of his laudable ambition, and to his aims for the public good, which he never ceased to cherish, even when galled by defeat. Those who knew him personally will never forget, and will never cease to admire, his exalted worth and high literary cultivation.

## CHAPTER XII.

*Administration of Gov. Bagby—Personal History.*

In the Spring of 1837 occurred the great revulsion throughout the United States, when the Banks generally, North and South, suspended specie payments. Merchants, manufacturers, planters, and all occupations requiring money to prosecute them to advantage, were swept overboard, or greatly staggered by the storm. Few escaped. In Alabama the pressure was so decided that Gov. Clay called the Legislature together in extra session, in May, to devise some measure of relief to the people. Then it was that a loan of \$5,000,000 on State bonds was authorized, to be divided among the State Bank and Branches, and the amount to be issued in bank notes for circulation. Those persons who were most in danger from judgments and executions were preferred in discounts, on their executing the proper securities to the Bank. A minute history of these proceedings is not necessary here, as they have been referred to in another part of this volume. As evidence of the general distress throughout the Union, President VanBuren had issued his proclamation calling Congress together in September, to provide for the emergency.

At this juncture of affairs—caused by the former expansion of Bank credits, and the consequent ease in the currency, followed by the curtailment which was more or less increased by the withdrawal of the Government deposits from the Bank of the United States, and the issuing of the specie circular of President Jackson, in 1836, requiring all payments for the public lands to be made in coin—it was the fortune of the Hon. Arthur P. Bagby to be elected Governor of Alabama. When he was installed in office, on the 21st day of November, 1837, he found the State, and all classes of the people, laboring under the depression caused by the financial difficulties which prevailed.

His first annual message to the Legislature was transmitted by Mr. Gooch, his Secretary, on the 3d day of December, 1838. It fills nine closely printed pages of the House Journal. An abstract of some of the points and recommendations is here given:

1. He refers with satisfaction to the fact that the last of the Indian tribes in Alabama have been removed to Territories provided for them by the United States Government, west of the Mississippi.

2. The preëmption laws of Congress, enabling people of limited means to secure permanent homes, is referred to with commendation.

3. In regard to Indian troubles, and the last drama of the war, he speaks of having organized 1,500 volunteers, equally divided under the command of Major-Generals Patteson and Philpot, to be in readiness to act, if necessary, in the negotiations between the Secretary of War, and certain chiefs of the Cherokee Nation.

4. He refers to the continuance of the war with the Seminoles, and the losses thereby to the people of Dale county. Col. William Pouncy to raise a company of Mounted Rangers for their defense. The reimbursement of all expenses by the General Government is insisted upon, and the appointment of a commissioner for that purpose is recommended.

5. Under the act of 23d December, 1837, John B. Norris, of Mobile; Thomas Owen, of Tuskalooza, and Thomas Brandon, of Huntsville, had been appointed Commissioners to examine the State Bank and Branches.

6. He advises legislation in regard to the election of Directors, the accommodations granted them, an increase of coin in the vaults in proportion to the circulation, a curtailment of the long time granted to borrowers, and the unreasonably large sums loaned to individuals.

7. The attempt by a State institution, "styled the Bank of the United States, chartered by Pennsylvania," to monopolize exchanges, and to control the currency, is denounced.

9. Alexander Pope, of Liverpool, had been appointed one of the agents to sell the bonds of the State, issued in sums of £200 each.

10. He refers to certain combinations among individuals of the State to exercise the privilege of banking, which he disapproved. Instructions had been given to two Solicitors to prosecute such offenders before the Circuit Court. Of the informations filed, one had been continued for the want of time, and the other dismissed by the presiding Judge, on the ground that there was no law to prohibit the exercise of the banking franchise.

11. He disapproves of the advances made on cotton by the State Bank, under the regulations of 29th August, as an assumption of power.

13. As unwarranted by the charter, he condemns the arrangement made between the Branch Bank at Montgomery, and the Montgomery and West-Point Railroad Company.

14. Vacancies in the Faculty of the University had been filled by the election of Samuel H. Stafford, of South Carolina, to the chair of Ancient Languages; F. A. P. Barnard, of New York,

to the chair of Mathematics, and Horace S. Pratt, of Georgia, to the Department of English Literature.

15. A careful revision of the Penal Code, and the establishment of a Penitentiary, is recommended. He suggests the benefit, if practicable, of passing laws to suppress intemperance, as the greatest "of all the evils that beset and waylay the path of civilized society."

16. Under the 23d section of the act of 23d December, the Hon. Reuben Saffold, of Dallas, William H. Robertson, and William Jones, Jr., of the city of Mobile, had been appointed Commissioners to inquire into the expediency of establishing a public warehouse or warehouses in the city of Mobile, etc. The Governor favors the system.

17. The revised Military Code had been prepared by Generals Crabb and Bradford, and Col. Henry L. Martin had been appointed to make an index.

18. He recommends the establishment of a separate Court of Chancery, and the division of the State into three districts, for each of which a Chancellor should be elected.

19. An increase of salary to the Secretary of State, the State Treasurer, and the Comptroller of Public Accounts is suggested, not to be less than \$1,500 each.

20. The Attorney General should be required to give legal opinions to the different executive officers, in the discharge of their official duties; to appear for the State in the Supreme Court, and to prepare bills on important subjects, when required by Committees of the Legislature.

21. Reference is made to the unsettled boundary between Georgia and Alabama, and to the attempt made in 1826 to run the line by the coöperation of the two States, which resulted in a disagreement between the Commissioners.

22. Copies of joint resolutions of the Legislatures of Maryland, Mississippi, Arkansas, Ohio, Rhode-Island, Georgia, and Kentucky, on various subjects, were laid before the Legislature.

23. In closing his message, the Governor notices the fact that he has abstained from embracing matters of Federal policy, and says: "It has nevertheless been a source of the highest gratification, in the great conflict that has been going on between the friends of a National Bank, and the advocates of a Constitutional Treasury, to perceive that a large majority of the people of this State have taken their stand on the high ground of constitutional liberty."

This synopsis of the first message of Gov. Bagby has been more dwelt upon than space will permit to his other messages, though each abounded, perhaps, in matter equally interesting to

the public. Some of these items, with the proceedings of the Legislature, are referred to elsewhere in this work.

The message of 1839 occupies fourteen pages of the printed Journal of the House. It notices the appointment of William B. Martin, of Benton; Alexander Bowie, of Talladega, and John M. Moore, of Barbour, to ascertain and mark the boundary line between Georgia and Alabama; of the appointment of E. Woolsey Peck as Chancellor, in the place of Silas Parsons, who had declined the acceptance of the office; the selection of a site near Wetumpka for the Penitentiary, the building of which, when completed, was fixed, by contract, at \$84,899; the completion of the new Penal Code by the Judges of the Supreme Court; the encampment drills of several Brigades; the necessity of opening a line of communication, by "improving the advantages of Nature," between the waters of Mobile Bay and the Tennessee River; a geological survey of the State recommended; the attempt to burn the Capitol, with the means of guarding it in future; the operations of the State Bank and Branches; advising that the Governor be authorized to nominate double the number of Directors to be elected, from which a choice should be made; the appointment of a Marshal to each Bank to exercise special powers; the cancellation of the unsold bonds of the State; and referred to the authority of a corporation in another State to make a contract in Alabama; the decision of the Supreme Court, etc.

Possessing eminent faculties in many respects, it was never the practice of Gov. Bagby to condense his State papers. He was generally diffuse, paid great attention to style, and seemed indifferent as to how much time was consumed in reading them, or how much space they filled in the public archives. His own ideas of form and official dignity were carried out to the extreme. His message of 1840 covered ten pages of the Journal. A synopsis will not be attempted. The leading measure recommended was the establishment of the General Ticket system in the election of Representatives to Congress. Action on this bill has been specially noticed in another chapter of this work.

The last annual message of Gov. Bagby is dated November 1, 1841, and exceeds any of its predecessors in length, being fifteen pages of the Journal, about half of which is taken up in examining the Constitutional point in favor of the General Ticket, after the people had decided at the election in August, 1841, in favor of the District system, on the question directly submitted to them by the act of 27th April, 1841. He was loth to give up his favorite plan of representation, embodying State Sovereignty, and when he was overruled by the popular vote, he determined to argue the matter with such intensity and expansion, as if in so doing he was sure to obtain a restoration of the condemned law.

The administration of Gov. Bagby began at a time of great pecuniary distress among the people, which was but little abated throughout the four years in which he performed Executive functions. The cause certainly did not originate with him. Experienced financiers, and the best practical minds of the country, had sought in vain for a remedy in legislation. Relief acts had been passed; loans to debtors had been tried; the extension of Bank debts from one to three years by equal instalments, and in smaller or larger proportion as circumstances seemed to require, and yet the general pressure was not removed. That Gov. Bagby exerted himself, to the utmost of his power, to afford all the relief practicable, consistent with his public duties, admits of no question. He came into office while the storm was raging, and he left it after having been four years at the helm, while the winds yet howled in the deserted halls of commerce.

ARTHUR PENDLETON BAGBY was a Virginian by birth and education. He came to Alabama while it was yet a territory, a youth depending entirely upon himself, upon his own talents and energies to grapple with the difficulties of life. The late Gov. Martin informed me that he saw Mr. Bagby when he first came to Alabama on foot, all his worldly goods tied in a small bundle, which he carried with him. In a moral sense, it was truly sublime to contemplate such a figure. Conscious of intellectual power, and scorning to yield to his seemingly adverse fate, he turned his face westward, and bade farewell to his relatives and friends in the proud Old Dominion, where poverty was hard to overcome. Rarely has such a spectacle been presented—such a youth, so highly favored by nature, in person and in intellect; in the grand qualities afterwards developed in a career of success and preferment embracing the next thirty years after his introduction in Alabama. That he was here before the Territorial condition was laid aside, when the State Government was organized, is evident from the fact that Mr. Bagby has been heard to say that he voted for Marmaduke Williams for Governor, in opposition to Gov. Bibb, at the first election held in the State, in 1819.

Mr. Bagby settled at Claiborne, in Monroe county, where he commenced the practice of the law. He at once secured a good run of business. His genius flashed from every feature, and sparkled in his small, piercing, black eyes. No man possessed a finer person to command attention at first sight. His remarkable advantages in this respect will be described in a future paragraph.

He served in the Legislature at an early period, and for many years. He was several times elected Speaker of the House, and never was the chair graced by a more splendid presiding officer. What Henry Clay used to be in the popular branch of Congress,

as Speaker, Mr. Bagby acquitted himself with similar eclat at the Capitol of Alabama. He was dignified and graceful in every look and movement. The station was completely filled; no ideal could be more perfect. At the last session he served, in 1836, he was again elected Speaker.

As we are now to follow him into a different sphere of the public service, it may not be amiss to take a brief review of his political antecedents. Mr. Bagby was originally a National Republican, and supported the administration of President Adams, 1825 to 1829. About the year 1831, Mr. Mosely Baker, of Montgomery, brought forward a proposition in the House of Representatives to commit the State of Alabama to the support of a grand National Bank, with a capital of one hundred millions of dollars. Mr. Bagby was then in the Legislature and opposed it. The next year Gen. Jackson issued his celebrated proclamation against the Nullifiers, of South Carolina, which induced Mr. Bagby to go over to his support, and from that time he was a Jackson man. Being thus about five years in the Democratic party, he was their nominee for Governor in 1837, when he was elected over Samuel W. Oliver, Esq., of Conecuh county, a former Speaker of the House, who was neither exactly a Whig nor a whole Democrat, but a fair-minded man with the respect of both parties. He died soon after the contest. Gov. Bagby was inaugurated with the usual ceremonies, on which occasion he was seen to great advantage, bearing himself with a natural majesty which would have done credit to a King or Emperor, and yet so easy and graceful that all were pleased with the new Governor. I was an eye-witness of the scene, and I have attended many inaugurations since, but none of them equalled that in 1837. In 1839, he was reelected without opposition. Some of the leading measures he recommended have been glanced at in the preceding notice of his administration. Having arrived at this point of his history, we pass on to consider him in more advanced situations.

When Gov. Clay resigned his seat in the Senate of the United States, Gov. Bagby was elected to fill the vacancy, in 1841, and in 1842, he was reelected for a term of six years from March 4, 1843, to March 4, 1849. His course on the annexation of Texas, in 1845, created some dissatisfaction in the Democratic party; but he published an address to the people of Alabama assigning his reasons. No very serious complaint was made thereafter.

In 1848, President Polk appointed him Envoy Extraordinary and Minister Plenipotentiary to the court of His Imperial Majesty the Emperor of all the Russias, at St. Petersburg. He remained there about one year, when he resigned, after the election of Gen. Taylor, as President, and returned to the United States, taking up

his residence at Montgomery. After a few years he removed to Mobile, where he died in 1858, under sixty years of age.

Seldom has such a specimen of nature's nobility appeared in any age. Gov. Bagby was a little more than six feet high, perfectly erect in his figure, with a symmetry of form and limb equal to that of Apollo. And such a head and face—the very personification of intellect and beauty! His walk was stately and graceful—the very beau ideal of the Chesterfield model. In all the etiquette and dignity of official station, never departing from the highest standard, and yet withal so courteous and polite; no President, no Governor, no wearer of a crown ever excelled him. His address to the humblest person was that of a true gentleman. When such a man appeared in the forum, or on the platform, he had a power, an influence in his very looks which awed men into silence. And then his voice was pleasant, clear and flexible, and his whole manner of delivery that of an orator. Of his scholarship it is not necessary to speak. His messages and communications, which have long been before the public, establish his claim to a high rank among men of letters.

And yet, with his fine person, his magnificent head, his splendid eloquence, Gov. Bagby was an unfortunate man. *He never knew the value of money.* All his life had been a struggle against the depressing influence of poverty, while the generous impulses of his heart, and his lofty ambition, were cramped and often crushed by this unhappy defect in his character. To support himself and his family in a style becoming their position in society, he incurred liabilities, and involved himself in embarrassments from which no amount of good fortune could extricate him. His practice at the bar must have been considerable; his compensation in the high employments he held as Governor, as Senator in Congress, and, as a foreign minister of the first grade, were insufficient for this purpose, and barely kept him afloat, without yielding him a surplus. A man thus constituted, and whose great troubles sprang from this source, deserves the sympathy of all. Such an example, such a prodigy and such a sufferer, was the late Gov. Bagby, in behalf of whose character and memory admiration and regret may alike be indulged. Had he been a good financier, and his fortune in other respects favorable to the development of his wonderful gifts, and his manly ambition, he would no doubt have stood in history in the same class with Clay and Webster, to electrify and bless the world by the rare endowments which he possessed. Of all it has been my privilege to see in a life of more than thirty years in official connection with the public, including more than a thousand men to a greater or less extent distinguished in the country, Gov. Bagby made the finest appearance, and has left on my mind the most indelible impression of natural greatness. Compared

to this standard, his life, successful as it has been in many respects, has been a mournful failure. The sun has spots, and yet he shines brilliantly, even to dazzle the vision; so may the name and qualities of Arthur P. Bagby shine amidst the hallowed atmosphere which the grave has diffused to sanctify even the errors of genius.

Allusion having been made in the foregoing sketch, to a temporary coldness of his brother Democrats of Alabama, growing out of his course on the Texas question, it is but justice to the memory of Senator Bagby, to place his conduct in a true light, which the author is enabled to do by a letter, of which the following is a copy:

WASHINGTON, October 7, 1845.

MY DEAR SIR: You will add to the many favors heretofore conferred, by sending me, at your earliest convenience, a list of the members of the General Assembly of Alabama, with their post-offices.

I hope to see you very shortly, at Tuscaloosa, as I find a visit to that *ancient* metropolis necessary in order to place myself right before my legitimate judges, the people and Legislature of Alabama. Never in the history of this country has any public man been subjected to such an ordeal as I have, by being charged with hostility to a measure [the annexation of Texas] which I could have defeated, at any moment, by barely saying *no*, but which I actually saved from defeat—as I flatter myself I shall be able to satisfy all impartial men; and I plead to the jurisdiction of any other description as unfit and incompetent to pronounce judgment upon my public acts.

With constant respect and esteem, I am your friend,

A. P. BAGBY.

WILLIAM GARRETT, Esq., Tuscaloosa, Alabama.

## CHAPTER XIII.

*Political Events—Legislature of 1841—Character of Members.*

After a stormy, laborious, and somewhat eventful session, the House adjourned *sine die* on the 9th of January, 1841. Since their assembling, on the first Monday in November, quite a political revolution had occurred, by the election of Gen. Harrison, of Ohio, and ex-Governor Tyler, of Virginia, to the two first offices within the gift of the people, over Mr. Van. Buren and Col. R. M. Johnson, and the attainment of power by the Whig party in the Executive and Legislative departments of the Federal Government. After this storm in the political elements there was a calm; public anxiety, in the meantime, was very manifest, while awaiting the inauguration of the President elect, and the announcement of his policy, on the 4th of March, 1841. Every opportunity and pretext for holding or regaining power was employed by the respective parties, or at least speculations to this effect were freely indulged.

Thus matters stood when Gen. Harrison was installed into the Presidential office. In his opinion, the state of the country required an early session of Congress, and he soon issued his proclamation convening that body on the 31st of May. This created the necessity for an extra session of the Alabama Legislature, to enact a law providing for the election of Representatives to Congress before the regular time of election in August following. Gov. Bagby accordingly issued his proclamation, convening the Legislature on the 19th of April, to take the necessary steps for securing to the State the services of a delegation at the extra session of Congress. The Legislature met, and passed a law authorizing an election for Representatives in two months thereafter, under the General Ticket system which had been adopted in 1840. The old political fires were soon rekindled into a flame. The Whigs knew that they were in a minority in the State, and felt that they had been unkindly treated by abolishing the district system, under which they had succeeded in electing two, and sometimes three members of Congress—while the Democratic majority entertained the belief that the State could best exercise its sovereignty by an expression of the will of the whole people. The canvass was animated, and the newspaper controversy was

bitter in support of the respective parties. When the votes were all cast up, however, the following was the result:

| <i>Democrats.</i>        |        | <i>Whigs.</i>          |        |
|--------------------------|--------|------------------------|--------|
| William W. Payne.....    | 23,989 | George W. Crabb.....   | 17,828 |
| Reuben Chapman.....      | 23,376 | Henry W. Hilliard..... | 17,449 |
| Dixon H. Lewis.....      | 23,329 | John T. Rather.....    | 17,384 |
| Benjamin G. Shields..... | 23,092 | John M. Lewis.....     | 11,172 |
| George S. Houston.....   | 23,026 | John M. Burke.....     | 16,671 |

Counting the difference between the highest Democratic vote, and the highest Whig vote, as above given, the Democratic majority was 6,161, out of the entire vote of 41,817 polled in the State. At least one-third of the people who voted for President in 1840, failed to vote at this special election for Congress, which is shown by the fact that out of 62,462, the total vote in 1840, Mr. Van Buren received 33,991, and Gen. Harrison received 28,471, giving a Democratic majority of 5,520.

Before noticing the action of the Legislature at the session of 1841, it is perhaps necessary to state, that a Convention of the Democratic party was held at the Capitol, in December, 1840, for the purpose of organizing under its defeat in the Presidential election in other States. In the course of business, a candidate for Governor was to be nominated. Several gentlemen of distinguished ability had been mentioned in connection with the office. The Convention sat two days, 21st and 22d of December. Among the names proposed for nomination on the first evening, were those of Col. W. W. Payne, H. W. Ellis, Esq., Major Jesse Beene, Dr. David Moore, and Col. — Walker. A letter from John Erwin, Esq., was received, withdrawing his name from the consideration of his friends. On the next evening letters were received from Major Beene and Mr. Ellis, withdrawing their names likewise. The counties represented in the Convention were then called for votes, when it was announced by the President that Col. Benjamin Fitzpatrick had received 84, Col. Payne 29, and Dr. Moore 11. The former gentleman was thereupon declared duly nominated as the Democratic candidate for Governor at the next election.

As Mr. Ellis had been a conspicuous and efficient actor in political affairs, and as his death closed too soon for his country, for his family, and for his many friends, it is proper that his character should be briefly noticed.

HARVEY W. ELLIS was a native of Kentucky, where he received a good education. He came to Alabama at an early day, and settled in Tuscaloosa, where he engaged in the practice of the law. His mind was thoroughly cultivated and well balanced, and his character settled. He was a Democrat, and a leading man

of his party in Middle and West-Alabama. Repeatedly elected to the Legislature, he took a leading part in its proceedings, and was prominent in the Conventions of his party. In 1838, and again in 1839 he was the Democratic candidate for Congress in opposition to Gen. George W. Crabb, and, in both contests, maintained fully upon the stump his high reputation as a debater, and though defeated, he established an influence at once commanding, and fully recognized, which would have been crowned with higher honors by the public, in due time, had he lived a few years longer. For several years his health had declined. In the Summer of 1842, it was thought advisable for him to travel, and he visited his native Kentucky. Failing to realize the benefit to his health which his friends had hoped and expected, he started home in the Fall of that year, but died before he reached Tuscaloosa. His remains were brought on and interred where he had lived many years, and had honorably discharged the duties of a good citizen, a profound lawyer, and able advocate.

In person Mr. Ellis was spare, erect, and dignified in his address. Without much attention to the superfluities of social intercourse, he was solid, quiet, and thoughtful. In speaking, he was calm, argumentative, and self-possessed, and rarely indulged in anecdotes. He married Miss Catharine Kornegay, a niece of Col. William R. King, who, in 1844, accompanied her uncle, upon his appointment, by Mr. Tyler, as Minister to France, where she presided in the drawing-room, at official receptions in Paris, with an ease and elegance which reflected credit upon herself, and upon the ladies of Alabama, in whose society she had moved.

Although prominence has been given, under another head, to his character and administration, a few additional particulars, in the course of the narrative, are here furnished in relation to Col. Fitzpatrick, on the threshold of his public life. He had been prominently before the people sometime before 1840. Upon the election of Gov. Clay to the Senate of the United States, at the extra session, June 30, 1837, provision had to be made by the party for a Democratic candidate to succeed him in the Executive, by election, on the first Monday in August, only one month ahead. There was not time for a Convention, and hence a caucus of the Democratic members of the Legislature was resorted to, to make the nomination. In the caucus, the claims of Mr. Speaker Bagby and Col. Fitzpatrick were urged, when the former succeeded by a few votes only. This demonstration in his favor brought Col. Fitzpatrick favorably before the people, and at the Convention of 1839 he was placed at the head of the Democratic Electoral Ticket for the State at large. In the Presidential canvass he was active and efficient, addressing large mass meetings in different parts

of the State, all of which conspired, with other elements of character, to make his name formidable in the Convention of 1840. Indeed, the tide of popular favor was so manifest that no other name was seriously considered for the nomination. He arrived at Tuscaloosa, during the called session in April, 1841, on his way to North-Alabama, which he canvassed extensively and earnestly, with great effect. Col. James W. McClung, who had been Speaker of the House for many sessions—a Whig, but moderate in tone, and withal of such commanding abilities that he seldom failed of an election for a seat in the Legislature—was his opponent. The tide of Whig strength flowed in 1840; and while the leaders of that party went into the canvass of 1841 with every desire, not only to hold the ground they had gained the year before, but to advance to further conquests, the result of the August election was disastrous to that party. Col. Fitzpatrick was elected Governor, the vote returned to the Legislature being, for Fitzpatrick, 27,974; for McClung, 21,219 votes. Showing a Democratic majority of 6,755, out of an aggregate vote of 49,193. Both branches of the Legislature were largely Democratic, but the Whigs had the gratification of witnessing the repeal of the General Ticket system at the ballot-box, on an issue of approval or disapproval. Considering the importance which had been attached to the measure, in its political consequences, the result was no small victory to the Whigs.

As an event of much interest at the time, it may be mentioned here, that in March and April, 1841, an extensive scheme to practice frauds upon the State Bank and Branches, by means of fictitious bills of exchange, to which the recommendations of members of the Legislature had been obtained under various acts and pretenses, was discovered, and for a time was *the sensation*. Indeed, the public mind was not only exercised, but amazed, at the apprehended extent of this scheme, and the injury it came near inflicting upon the pockets of the people; for just to the extent that these “bank frauds,” as they were called, succeeded, just so far was the public credit affected and the people liable to taxation. But like most schemes conceived upon a stupendous plan of dishonest plundering, it was discovered in time to prevent much mischief. Many parties were arrested, and prosecutions instituted against them, and for sometime the occasional reference to bank frauds and robbers, was sounded in different portions of the State; but I am not aware that any legal punishments were inflicted. A number of men who stood high in society, and some who occupied place were prostrated by it. Some of these moved West, and others drooped at home from the contact. Then the occasion passed away, and was lost sight of in a few years in the midst of other events; and it is only alluded to here as an occurrence *quasi*

political, inasmuch as the banks were public property, but without identifying either party or any individual with it.

The Legislature met on the first Monday in November, 1841. The attendance of members was good, and while many gentlemen held over, or were reëlected, as members of the last Senate, and have been more particularly noticed in a preceding chapter, there was an addition of several new Senators, who increased the stock of character and talent already there. Among the number, several may be specially mentioned:

Arthur Foster, of Cherokee;

John S. Hunter, of Lowndes, who has already been noticed as a member of the House the preceding year;

Milton McClanahan, of Morgan;

Walker Keith Baylor, of Jefferson;

Walter R. Ross, of Wilcox, and

Daniel B. Turner, of Madison.

These, together with the members holding over and reëlected, constituted the Senate, a very respectable body for character and ability.

Nathaniel Terry, of Limestone, was unanimously elected President of the Senate. For Secretary, there were three candidates, and the votes stood: For B. A. Philpot, 15; Johnson J. Hooper, 4; David Woodruff, 9. Major George B. Clithnall was elected Assistant Secretary, and C. Donoho, Door-Keeper.

In the House many changes had occurred, and new members took the place of old ones, who had long occupied seats. Among the leading men in the work of legislation may be mentioned:

John Steele, of Autauga;

John L. Hunter and Hugh L. Crawford, of Barbour;

Thomas A. Walker and John Cochran, of Benton;

Walter H. Crenshaw, of Butler;

Charles McLemore and Matthew Phillips, of Chambers;

Lorenzo James, of Clarke;

William L. Yancey, of Coosa;

William O. Winston, of DeKalb;

Felix G. Norman, of Franklin;

Elisha Young and Solomon McAlpin, of Greene;

Tandy W. Walker, of Lawrence;

David Moore, Jeremiah Clemens, and George T. Jones, of Madison;

John B. Hogan, Blanton McAlpin, and Isaac H. Erwin, of Mobile;

Charles E. B. Strode, of Morgan;

Robert J. Ware and Joseph J. Hutchinson, of Montgomery;

John Barron and A. Q. Bradley, of Perry;

Norman McLeod, of Pike;

Wade H. Griffin and John S. Storrs, of Shelby;  
 Samuel F. Rice, of Talladega;  
 Hardin Perkins, Robert Jemison, Jr., and William R. Smith,  
 of Tuscaloosa.

Besides these gentlemen, there were many others who participated more or less actively in the business of the session.

Dr. David Moore was unanimously elected Speaker of the House; Thomas B. Tunstall was elected Clerk; Algernon Cook, Assistant Clerk; William C. Bibb, Engrossing Clerk, and James H. Owen, Door-Keeper.

The relative position of members may be somewhat indicated by the appointment of chairmen of the most important working committees. In the Senate, Judge Thornton was, as usual, Chairman of the Judiciary Committee.

Gen. Toulmin, Chairman of the State Bank and Branches;

Walker K. Baylor, of Jefferson, on Education;

Gov. McVay on Propositions and Grievances.

In the House of Representatives, Col. John B. Hogan, of Mobile, was Chairman of the State Bank and Branches;

Thomas A. Walker, of Benton, on the Judiciary;

Isaac H. Erwin, of Mobile, on Internal Improvement;

Elisha Young, of Greene, on Education;

Gen. Taylor, of Fayette, on Propositions and Grievances;

Lorenzo James, of Clarke, on Ways and Means.

The Governor's annual message was delivered on Tuesday, by James D. Bagby, his private Secretary. It has been noticed in another chapter, containing a review of the administration of Gov. Bagby; but the closing paragraph is here inserted as a specimen of his official style:

This is the last annual message I shall have the honor of submitting to the General Assembly. A few days will terminate my connection with the office of Chief Magistrate of the State of Alabama, to which I may, with perfect sincerity, say I have been twice elected, without solicitation on my part, by the people. In looking forward to the moment, now almost at hand, which is to dissolve my official connection with the General Assembly, I should do injustice to my own feelings if I were not to express the deep and abiding sense of obligation I am under to that body for the uniform courtesy and indulgent liberality and kindness I have experienced at their hands, in my humble but honest efforts to administer the Government of Alabama. And permit me, gentlemen, through you, to avail myself of this last public occasion, to render to the great body of my fellow-citizens, the deep and lasting sense of gratitude I feel, and shall never cease to cherish towards them, for the multiplied proofs they have given me of their kindness and confidence; and to assure them that I shall carry into the retirement that awaits me the same devotion to their interest and happiness by which I have endeavored to be governed in my public career; and that I shall never cease to supplicate Divine goodness, to continue to them the enjoyment of those rich and countless blessings which He has heretofore been pleased to bestow upon them.

On Monday, the 22d day of November, 1841, Gov. Fitzpatrick was installed into office, after having delivered his Inaugural

Address to the two Houses, and in the presence of a vast concourse of citizens, who had visited the Seat of Government upon the occasion, which was made one of great eclat by the programme reported by the Committee of Arrangements. Indeed, the whole demonstration was complimentary to the Governor elect, and showed the high estimation in which he was held. His Inaugural Address was short, pointed, and practical, giving earnest of an administration with which the writer became subsequently familiar, in the integrity of its design, its practical simplicity, and earnest devotion to the public welfare. This administration formed an important era in the history of Alabama, and requires particular notice, that justice may be done to its distinguished head.

The ceremonies of inauguration, respecting Gov. Fitzpatrick, are laid down in the programme of the Committee, which were duly observed in the following manner:

Mr. Reese, from the Committee of Arrangements on the part of the Senate, in relation to the inauguration of the Governor elect, made the following report:

The Joint Committee of Arrangements have agreed on the following plan for the order of procession at the installation of Gov. Fitzpatrick:

First floor of the House to be appropriated for the accommodation of the ladies, members, and balance of the procession, which is to be in the following order:

Music,  
Tuskaloosa Guards,  
Masonic Societies in dress,  
Citizens generally, two and two,  
Judges of the Circuit and County Courts,  
Clerks and Sheriffs,  
Judges of the Supreme Court and Clerks,  
Faculty of the University, preceded by the Students,  
Clergy generally,  
Door-Keeper and Messenger of the House of Representatives,  
Clerk and Assistant Clerk of the House of Representatives,  
Speaker,  
Members of the House of Representatives, two and two,  
Door-Keeper and Messenger of the Senate,  
Secretary and Assistant Secretary of the Senate,  
President,  
Senators, two and two,  
Secretary of State, Comptroller, and Treasurer,  
Dr. Manly, Chaplain, sustained by two of the Committee,  
Governor Bagby, sustained by two members of the Committee,  
Governor Elect, sustained by the Committee of Arrangements.

The two Houses, with the military, will assemble at the hour of eleven o'clock, and will proceed from the Capitol to the residence of the Governor elect, at Col. Donaldson's, where the procession will be formed under the direction of the Marshals, in conformity with the foregoing programme.

Citizens and strangers are invited to join the procession.

A National salute will be fired in front of the Capitol at sunrise, and at 12 m.

Generals Dent and Carroll, Marshals of the day.

Which report was concurred in by the Senate.

On motion of Mr. Reese, the Senate then took an informal recess.

At the time agreed upon, Benjamin Fitzpatrick, the Governor elect, appeared in the hall of the House of Representatives, and in the presence of the two Houses.

Mr. Speaker administered to him the usual oaths of office, which oaths were to support the Constitution of the United States, the Constitution of the State of Alabama, and faithfully discharge his duty as Governor of said State.

The Senate then withdrew to their Chamber.

It will be seen that Dr. Manly, President of the University, acted as chaplain. In his prayer he embraced every point of petition appropriate to the occasion, but one. There was no petition in behalf of the retiring Governor, nor the least allusion to him, which was, no doubt, an oversight on the part of the learned and kind-hearted chaplain. John Cochran, Esq., who was a member from Benton, and in his seat, happened that day to be in a thoughtful and devotional mood; and after the services had concluded, he remarked to some gentlemen that "he never before knew the forlorn condition of a man retiring from office—that he was beyond the prayers of the Church." The example of the Episcopal Church, in its established forms, of praying for the "President of the United States, and all others in authority," is much to be commended; and from a similar motive of piety and good-will, the Governor who had just retired from the cares of State, might have been properly included in the invocation for blessings. At least the sympathies of Mr. Cochran seemed to run in this channel, with very approved observation.

The condition of the banks and the currency, and especially the allegations of "bank frauds" which were discovered in the early Spring, engaged the attention of the Legislature to the exclusion of almost everything else. There was a conviction in the minds of members that extensive operations had been planned, and to some extent carried out by conspirators, with a view of possessing themselves of the contents of the banks by fraudulent combinations artfully managed. The whole subject was more or less veiled in mystery, which doubtless gave width to its dimensions. Men were afraid of it, and in some measure afraid of each other; for while one felt conscious that he himself was clear of any imputation, or complicity in this matter, it was as far as he could go. There was but little mutual confidence upon the subject between members.

There was some delay in moving an investigation. In the meantime rumors had thickened almost to a fog. On the 20th of November, Mr. Jemison, of Tuskalooosa, offered the following preamble and resolutions:

Whereas, charges have been officially made, in the report of the Commissioners appointed to examine the Branch of the Bank of the State of Alabama at Decatur, against members of the Legislature, of attempting improperly to tamper with the Directors of said Bank; and whereas, the names of the members alluded to have been officially reported to this House, and in the remarks by honorable members on this floor, they have made grave and serious charges of favoritism and corruption against the Directors of said Bank—

*Resolved, therefore, That the whole subject be referred to a select committee.*

*Resolved*, That said committee have power to send for persons and papers, or take testimony by deposition or otherwise, in all cases giving reasonable notice of testimony intended to be taken, and a fair opportunity of cross examination, which was adopted.

The committee thus raised was afterward made joint with a committee of the Senate, who proceeded on the work assigned them. A good deal of testimony was taken, only a small part of which, however, was made public. After engaging a large portion of the time of the two Houses, the whole matter may be comprehended in the following extract from the House Journal of December, 1841:

Mr. Young, from the Joint Examining Committee, made the following report:

The undersigned, members of the Joint Examining Committee on Bank Frauds, ask leave to place on the Journals of the House the reasons which will prevent them from discharging the duty assigned to them. During the early part of the session, resolutions were adopted raising a joint committee to examine into the frauds alleged to have been committed against the State Bank and Branches, as well as the misconduct of the officers of those institutions. Subsequently, a law was passed through both Houses, and approved by the Governor, conferring upon that committee powers adequate to the accomplishment of the ends for which they were appointed, and provided that those powers should continue in force until the 1st of May, 1842: Under the authority of this act the committee have been earnestly engaged in the investigation of the several matters assigned to them, and in the examinations already made, they have discovered the existence of a disgraceful league to plunder the Banks, and swindle the people of the State. Men high in office, members of the Legislature, and Bank Directors are supposed to be implicated, and it is believed that disgraceful partiality and management might be shown to have existed in some of the Banks. With all these facts before them, the Senate has seen proper to dissolve their portion of the committee. This renders it impossible for us to act efficiently, and we therefore tender our resignation to the House of which we are members.

JEREMIAH CLEMENS,  
R. C. McALPIN,  
R. JEMISON, Jr.,  
T. W. WALKER.

Mr. Young also reported or submitted to the House the journal of the committee appointed for the purpose of investigating bank frauds, to be at the disposal of the House of Representatives.

On motion of Mr. Clemens:

*Resolved*, That the Journal of the Joint Examining Committee on Bank Frauds, as well as the private memoranda of the members thereof, be forthwith handed to the Governor, with the request that he should retain the same until the meeting of the next Legislature.

The testimony alluded to was included in a large bound record volume, with the Journal of the Committee, and many papers, letters, and memoranda, which, by order of the Governor, were placed in the care of the Secretary of State, under the seal of secrecy, where it has remained to this day, so far as the writer is advised. The House spent many days in secret session, in which the writer happened to be present, and heard the testimony read, and much other information given on the floor. But if any of the testimony was ever repeated outside of the Hall he never

heard it; and, as an evidence that members observed strictly their obligations of secrecy, he may add, that he never failed in those days to ascertain, by indirection or otherwise, more or less of the daily transactions of the two Houses. This book of testimony, when the writer left the State Department, in 1852, remained under the same seals of secrecy. The excitement passed away in a few years; but its prevalence, in 1841, was general, and operated to prepare the public mind for decisive action relative to the State Bank and Branches, as will hereafter appear.

In the discussions and incidental remarks in the House touching the alleged bank frauds, Mr. Young, of Greene, drew pictures, founded on facts which had come to his knowledge from witnesses, that almost bewildered the imagination, at the extent and enormity of the schemes to plunder the banks by false papers, and the certificates of members of the Legislature as to the solvency of the parties, induced either by a promised share of the proceeds, or through ignorance, or too great a desire to conciliate favor which might be useful at the ballot-box, or, what was no doubt too generally the case, by an obliging and careless confidence in the representations of men who asked for certificates, either for themselves or for their friends, promising their *word* and *honor* that all was right in regard to the quality of the paper submitted. There seemed to be an amount of iniquity concealed sufficient, in design, to deplete the banks of all their available funds, and to entail upon the people the necessity of making up the loss to bond-holders and public creditors by taxation. These were fearful apprehensions, well calculated to remove the danger, in future, by winding up the entire banking system, which the State had adopted to raise the necessary revenue for the support of Government, and for the purposes of education.

Mr. Young said, in effect, that the investigations made by the Committee had just afforded a glimpse of the grand conspiracy, and the deep-laid intrigues which had been formed to swindle the banks and to rob the people; but the chain of facts had to be welded link by link to arrive at the real parties who had concocted, and who, with their subordinates in guilt, were to profit by the operation, probably to the extent of several hundred thousand dollars. This labor had been attempted by the Committee; but as it advanced new prospects were opened, "Alps on Alps" continued to rise, until the boundary of vision was closed by the horizon, and the Committee could go no farther in the work assigned them. The last day of the session was drawing nigh, and they had only to bring the result before the House, to be resumed at a future time, when circumstances might be more auspicious to the discovery and punishment of the guilty parties, should the Legislature deem further investigation necessary.

The subject of the banks engaged the attention of the Legislature in every conceivable form; but with no definite beneficial results. The difficulties in their management were constantly increasing in magnitude, owing to imprudent discounts in the shape of relief, under acts of the Legislature, and by the too prodigal accommodations of the directors, probably from good motives at the time. These imposed a duty to provide, by taxation, for the future wants of the Government, from which burden members were disposed to shrink, in view of the possible consequences of loss of popular favor at home. Col. James, Chairman of the Committee of Ways and Means, reported a revenue bill to defray the expenses of the State, and used every effort, without success, to procure its passage. In this spirit of indecision the Legislature drifted to adjournment. The members who thus hesitated, at least many of them, were behind the people on this question, as appeared at the next election.

An important bill passed into a law at this session, which has been engrafted upon the statute-book, to prevent the sacrifice of real estate by sale, under judgment and execution, by allowing the right of redemption in two years, on refunding the amount advanced by the purchaser, with interest. The writer, a Tennessean, having witnessed in that State the beneficial operations of the law in preventing the sacrifice of land, drafted the original bill, which was introduced and advocated by Walker K. Baylor, Esq. Since the passage of the law, it has been amended some, but the essential feature remains, and is likely to remain, a part of our system.

The law of 1840, establishing the General Ticket form of election for Representatives in Congress, was repealed at this session, in conformity with the voice of the people. The subject of Federal politics engaged but little attention in the Legislature during the session. The Whig party was divided in Congress, and their proposed measures frustrated by the vetoes of President Tyler, defeating the establishment of a National Bank, or a Fiscal Agent of the Government, for the collection and disbursement of the public revenue. A reactionary tide was evidently setting against that party, growing out of its own broils and dissensions, since its accession to power, on the 4th of March, 1841, and perhaps from other causes not necessary to be stated here. The Democrats saw this reaction, and were satisfied to "let well enough alone," in this respect. There was then no Committee on Federal Relations, as now, and has been for many years, in the Alabama Legislature, and not such inducements for members to bring forward high-sounding resolutions for political effect. The session was shorter, by a week, than the last—both Houses adjourning *sine die* on the first of January, 1842.

Many gentlemen who participated in the deliberations of the General Assembly deserve mention here, not only on account of the positions they filled then, but those they subsequently attained.

In the Senate there was ARTHUR FOSTER, of Cherokee, who came from Georgia a few years previously, where he compiled and published a digest of the laws from 1820 to 1830, as a continuation of Prince's Digest. After the expiration of his term in the Senate, he was elected President of the State Bank, which was then in liquidation—but required a President to meet some legal obligations connected with the bank. In 1847, he was elected Judge of the County Court, of Tuskaloosa county, which office he held for a few years, and soon afterwards he died.

The abilities of Judge Foster were above mediocrity. He was a faithful public servant. In 1840, he was a candidate before the Legislature for Judge of the County Court of Cherokee, and was beaten in caucus by Mathew J. Turnley, Esq. Dissatisfied with the ruling of "King Caucus," he appealed to the Legislature, where he was defeated by the nominee. He returned home, and, at the next election, declared himself a candidate for the Senate, in opposition to Solomon C. Smith, Esq., the Senator from the district, who voted for Judge Turnley, and for the General Ticket Bill, which course was unpopular in the mountain counties. Availing himself of the disfavor with which the General Ticket System was regarded, Mr. Foster, for the double purpose of avenging himself on Mr. Smith for voting for Judge Turnley, and for securing to himself the honor of a seat in the Senate, engaged warmly in the canvass on that hobby, advocating the District System, in preference to the General Ticket, which latter had always prevailed in Georgia, where he grew to old age, with the intermission of two years, when the District System was adopted by the Clark party, who had a majority in the Legislature, in 1825. At the next session, in 1826, it was repealed by the Troup majority of that year. At the polls, in August, 1841, Mr. Foster distanced his competitor, Mr. Smith, and took his seat in the ensuing session for a term of three years.

A proof of the tenacity of purpose with which Mr. Foster pursued his objects, was given at the session of 1842, on the 4th of December. There was a vacancy in the office of Judge of the County Court of Mobile, caused by the death of the Hon. John F. Everett, a former Mayor of the city. It was considered one of the best paying offices of the State, and, for that and other reasons, it was eagerly sought. George F. Lindsay, Esq., held the office by Executive appointment, and was a candidate for continuance in it. Two other gentlemen, non-residents of Mobile, viz: Samuel F. Rice, Esq., of Talladega, and Solomon Heydenfeldt, Esq., of

Russell, were likewise candidates. In addition to these, there was a fourth candidate in the Hon. John A. Cuthbert, who had recently removed from Georgia to Mobile. This gentleman had been a Representative in Congress from Georgia in 1819-'21, and between 1830 and 1835 was editor of the "Federal Union," a newspaper published at Milledgeville—was several years Secretary of the Senate, and also Secretary to the Executive Department, under the administration of Gov. Lumpkin. He possessed fair legal abilities, and was finished and courtly in his address, and better adapted to figure in the Senate of the United States than to mingle with a promiscuous crowd of men, or to engage in contests for subordinate offices. It was understood that his large fortune had melted away, from a too generous hospitality in former years.

These facts are mentioned to show on what foundation Mr. Foster rested his hopes of success, when he announced Mr. Cuthbert as a candidate before the Convention of the two Houses. Besides the other gentlemen named, Mr. Ogden, of Mobile, had also been announced as a candidate. The roll was called, and on the first ballot Mr. Cuthbert received 13 votes, Mr. Heydenfeldt 19, Mr. Lindsay 34, Mr. Ogden 26, and Mr. Rice 37. According to the usual practice, after the first ballot, the friends of the hindmost candidate were appealed to by the others to withdraw him, and to unite on some one of the others to increase the chances of success. But Mr. Foster, knowing the meritorious qualities of his friend, determined to keep his name on the list to the final issue, believing that he held the balance of power, and would ultimately prevail. For ten ballots Mr. Cuthbert received about the same 13 votes. Occasionally he would fall two or three votes below it, but none above that number—Mr. Foster alone of the Senate voting for him each time. At the end of every ballot, he was signalled to the lobby, and representations were made to discourage any further attempt in behalf of his candidate, whose ruin was certain, it was alleged, by keeping his flag at the masthead. All this pleading had no effect. The ballots proceeded. After the tenth ballot, members began to feel of Mr. Cuthbert, anxious to terminate the contest and adjourn for dinner. His vote increased, and on the thirteenth, he was elected. During the whole time, Mr. Cuthbert sat in the gallery, quietly looking on the scene below, and perhaps never exchanged a word with any individual. His fate was in the hands of his old cherished personal and political friend of the Clark party in Georgia, and both since of the Democracy in Alabama. It was indeed a triumph rarely secured under such an unpromising commencement.

Judge Cuthbert, by the efficient discharge of his official duties, fully justified the confidence reposed, and the hopes entertained

by his friends. Mr. Rice, one of his competitors, has since presided on the bench of the Supreme Court of Alabama, and Mr. Heydenfeldt has received similar promotion in the State of California. All these circumstances contribute to the picture in 1842, of the scene while the ballots were progressing, and invest it with no small degree of romance. They certainly teach a lesson of perseverance, whether it results in immediate success, or brings other and brighter rewards at a future day. Such is the kaleidoscope of life! It was reserved for Mr. Foster himself to become the President of a bank, and also a Judge of the County Court, and to leave behind him an honorable record to testify his virtues as a man.

ANGUS McALLISTER represented the District composed of Covington and Dale counties, for many years in the Senate. He was a quiet, modest gentleman, of a youthful appearance, and seldom ever participated in debate; but from his sound judgment he was a safe man in counsel, which gave him position in the dominant party, of which he was a member. When he retired from the Senate, he left a good impression among his many friends as to his legislative and social qualities. He now resides in the county of Limestone.

MACE T. B. BRINDLEY entered the House from Blount county in 1839. At the session of 1841, he took his seat in the Senate, in which he continued to serve his constituents faithfully to the close of 1855, when he retired from public life. He had been many years Clerk of the County Court of Blount, was at one time a Bank Director at Decatur, and had studied the banking system of Alabama attentively. He was well informed, with a small degree of vanity in his composition, and rather philosophic in his turn of mind. In the debates, he frequently took part, and was generally heard with attention by his fellow-members because of the uprightness of his character, and the sincerity of his manner. His disposition was kind, and his deportment inoffensive, which exempted him from enemies. He had passed through pecuniary vicissitudes without a blemish on his reputation, and was at all times cheerful, even in adversity, which showed the true character of the man. Mr. Brindley died August 30, 1871, at quite an advanced age, leaving a good character as an inheritance to his family.

MILTON McCLANAHAN, a native of Tennessee, became a citizen of Alabama at an early period. He represented Morgan county in the House from 1836 to 1841, and then served five years in the Senate, closing his term at the session of 1845. In

a few years thereafter, he removed to Texas, where he was defeated for the Legislature, and died several years ago. He belonged to the plain, solid and practical class of men in the Legislature in his day, and was diligent and faithful to all trusts confided to him. He had a degree of self-confidence which enabled him to partake freely in discussion, always with good sense, and directly to the point, yet in a style not remarkable for beauty, of which fact he seemed to be wholly unconscious. He persuaded himself that he was capable of throwing light upon almost any question, and indeed, to some extent, he was correct; for his ideas were generally good, always under the control of strong common sense. That he was no orator, and that his address on the floor was by no means courtly, did not in the least militate against his claims to that fair degree of personal respect which his irreproachable character, and his honest face, never failed to inspire. The cultivation of his mind had been neglected in his youth, and being ambitious to enter political life, and to lead among his people, he had to contend with many difficulties.

WALKER KEITH BAYLOR, of Jefferson, was born and educated in Kentucky. He was a brother of the Hon. R. E. B. Baylor, who represented the Tuskaloosa District in Congress, 1829-31, and afterward moved to Texas. They were related to the Bledsoes, of Kentucky, a family distinguished for learning and ability; and to Dr. Bledsoe, the very able editor of the *Southern Review*, heretofore published in Baltimore, which periodical has since been adopted by the General Conference of the Methodist Episcopal Church, South, and taken under its patronage.

Mr. W. K. Baylor settled in Alabama about 1830, and engaged in the practice of the law at Elyton. I first knew him in public life when he took his seat in the Senate at the commencement of the session of 1841. He served through the session of 1842, and in 1843, Gov. Fitzpatrick appointed him Judge of the Third Judicial Circuit, to which office he was elected at the ensuing session of the Legislature. He continued on the Bench until the Summer or Fall of 1845, when he visited his brother in Texas, and where, in examining the workmanship of a newly-invented pistol, the weapon was accidentally discharged, and killed him.

The intellect and learning of Judge Baylor justly ranked him with the leading minds of his day. His reading and acquirements were various, and his force of analysis was very great. His political information was extensive and accurate, which made him a prominent man of the Democratic party. He also paid much attention to philosophy and astronomy, and spent many evenings and nights at the University Observatory, examining, with Prof. Barnard, the planetary system, aided by the newly improved

instruments ordered from London, and constructed upon a plan prescribed by the learned Professor. Judge Baylor was the friend and patron of education, of which committee he was chairman in the Senate. His social nature and his bachelor habits led him into convivial temptations, which have proved the ruin of many bright intellects in the State. He was somewhat eccentric, and was a strong believer in the doctrines of phrenology and physiognomy; and his convictions were often acted upon by measuring, with a tape line, the face and head of candidates for office, to terminate their fitness.

In person, Judge Baylor was tall, and angular in his features. On first seeing him, a stranger would be apt to inquire who he was, from his remarkable appearance. To a practised observer of men, and to one well acquainted with the influences on character, there would be no difficulty in deciding that the high gifts of nature in the external man, had suffered in their full development by an excess of wine, or other stimulant not essential to physical or mental beauty. He was a rare compound of worth and infirmity, and while his melancholy fate excited general sympathy and regret, his character for integrity will ever survive in the memory of those who knew him best.

WALTER R. ROSS, of Wilcox, dated his citizenship in Alabama at an early period. I think he was once Sheriff of Montgomery county. My acquaintance with him began in 1837, when he was a member of the House from Wilcox. He served almost continuously in one or the other branch of the Legislature until the end of the session of 1842. By industry and good management he had acquired a large fortune. Being a widower, he, in the meantime, married Mrs. Bozeman of the neighborhood of Havana, Greene county, to which he removed, where he established a high reputation as a planter, and added to his extensive property. He died many years ago.

Mr. Ross was a Whig in politics, honest and decided in his opinions, and always respectful to those from whom he differed in sentiment. He belonged to the class of quiet and useful men who adorn any station which they fill by their social virtues, and uprightness of character.

DANIEL B. TURNER, of Madison, was a native of the Old Dominion, and came to Alabama when a young man. He was elected Sheriff of the county, and afterwards held the responsible office of Post-master, at Huntsville, for many years. In 1839, he came into the Senate, where he served a term of three years, of which body he was an active and intelligent member. A Democrat, from the wealthy county of Madison, he felt himself justified in yielding

to his inclination for prominency in the political counsels of the State, and in gratifying the harmless opinion he entertained that he was the equal of other men who aspired to higher positions in public life. This idea rendered Mr. Turner a frequent debater, but never a very tedious one. On committees he was quite industrious, and his reports were always sensible, and to the point.

After retiring from the Legislature, Mr. Turner engaged largely in trade and money transactions with the varied fortunes usually attending such pursuits. In the latter years of his life, he was much afflicted, and in 1866 he died. He had been a long time in membership with the Methodist Episcopal Church, and enjoyed a good position in social life.

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## CHAPTER XIV.

### *Session of 1841, and Sketch of Members, Continued.*

Having paid his respects, in due form, to a number of gentlemen of the Senate, the writer now proceeds to make some observations relative to the House of Representatives, the larger body. The business narrative will be, for a while, suspended, to give place to an examination of character. Occasionally there may be fragments of the record introduced in the brief history of members, as they appeared in the House, or in giving the impressions which they created. Brevity and condensation will be the aim of the writer, in his personal sketches.

JOHN STEELE, of Autauga, was born in Tennessee, and settled in Alabama soon after the formation of the State Government. He was originally a trader in stock, and while engaged in this business, he, no doubt, formed those traits of character, as a dealer in property, which distinguished his subsequent life, and enabled him to acquire a very large estate. He was a Democrat, national in his feelings and views, which led him to espouse the side of Mr. Douglas, in the Presidential contest of 1860. He served in the Legislature several years, in all which time he exhibited a clear, discriminating, practical mind, which made him a safe and useful public servant. Mr. Steele filled a large space in the business relations of life, and was distinguished for his liberality and

charity. He was a prominent member of the Methodist Protestant Church, at the time of his death, which occurred about the close of the war between the States.

JOHN L. HUNTER came to the House from Barbour county, one session only, which was that of 1841; but he had been for several years a member of the Board of Trustees of the University, which drew him annually to the seat of government, where he mingled largely in political and social circles. He was a Democrat, and after his term of service in the Legislature, he was elected a Major-General of militia. He removed to Texas several years ago, and has since died.

The mind of Gen. Hunter was well cultivated, and his address was marked by great suavity. He was a fair specimen of the olden school, and was raised in South Carolina, from Huguenot ancestry. In addition to his general intelligence, he was a scientific patron of agriculture, and was usually assigned the front rank in all conventions and societies of this class, of which he was a member. The polish and grace of manner, with all the etiquette of good breeding, never forsook him, even when he found it necessary to *insult* a man, an instance of which was related by Mr. John Cochran, when George L. Barry, Esq., had been employed against Gen. Hunter in a cause then pending in court, and took occasion to use language which the latter gentleman considered uncalled for in the line of his profession, and far transcending the propriety of a legal argument on the facts in evidence. Resenting the attack on his character, Gen. Hunter blandly approached and thus addressed him: "Judge Barry, it is painful to me as a gentleman to feel obliged to say to you what I feel compelled, in justice to myself, to say—really, sir, it is repugnant to my feelings to speak of you as the circumstances demand—but I feel bound in honor to say to you that you are *very much of a rascal.*" Those who knew General Hunter will at once appreciate the anecdote as perfectly consistent with his style and delicacy. He had a pleasant voice, and a handsome flow of language, which, added to his good judgment, made him a welcome figure in debate, whenever he chose to occupy the floor of the House.

HUGH N. CRAWFORD, of Barbour, was a member of the House, for the first time, at the session of 1841. He was from Georgia, and related, perhaps remotely, to the distinguished family of that name. He was very neat in his person, witty and humorous in debate, and often put the House in a roar of merriment. But these moods were so frequently indulged that they soon lost their piquancy. In other respects he sustained himself in quite a creditable manner. He had a friendly nod and word for all his friends

every time they met, and he was esteemed as an agreeable companion, rather of the comic order, but always welcome. His society was much sought by the mirth-loving class, and sometimes by the grave seniors who desired a relaxation from heavy thoughts as necessary to refresh their burdened spirits. After serving a number of years at the old Capitol, he was a member two sessions after the removal of the seat of government to Montgomery, to which city he changed his residence from Eufaula, to practice the profession of the law. He died about the year 1855.

JOHN COCHRAN is a native of East-Tennessee, and settled in Jacksonville for the practice of the law, in 1835. In 1837, he was elected a trustee of the University. In 1838, he was a candidate for the House of Representatives, and was beaten, although, for a young man, he bore the contest gallantly, and received a flattering vote. In 1839, he was elected, and again in 1841 and 1842. Having married a daughter of Gen. William Wellborn, of Eufaula, Mr. Cochran removed to Barbour county. In 1845, he was a candidate for Congress, and canvassed the district, in opposition to the Hon. Henry W. Hilliard, and was defeated. In 1848, he was on the Cass Electoral Ticket. In 1851, he opposed Captain James Abercrombie for Congress, and was again beaten in the race. In 1853 and 1855, he was a member of the House, and, at both sessions, was Chairman of the Judiciary Committee, which is considered the post of honor. In the Secession Convention of 1861, Mr. Cochran took an active part as a delegate. In 1861, he received the Executive appointment as Judge of the Circuit Court, to which office he was afterward elected by the people.

To make such a record requires talents of no ordinary character, and Judge Cochran possessed them. His powers upon the stump were massive, and his eloquence commanding and forcible. Withal he is witty and pleasant in social life, and has many friends in different parts of the State who love to speak of him, and his many engaging qualities.

Besides his political and judicial honors, it is, perhaps necessary to mention that Judge Cochran was a delegate from Alabama to the Southern Commercial Convention, held at Savannah, in December, 1856, over which the Hon. James Lyons, of Virginia, presided. Among his colleagues in the Convention, were the Hon. B. S. Bibb and Johnson J. Hooper, Esq., of Montgomery, and John G. Barr, Esq., of Tuscaloosa. These gentlemen were placed on important committees, and aided in carving out the business and guiding the deliberations of the Convention.

Judge Cochran has also a literary reputation, established as far back as 1841, when he was quite a young man. The "Philomathic Society" of the University of Alabama, invited him to

deliver the usual address at Commencement, and, on the 11th December, he complied, by delivering what the committee was pleased to style a "manly, interesting, and highly instructive address," which was solicited by John G. Barr, Felix G. Christmas, and Claudius H. Perkins, in behalf of the society, for publication. The orator took, as the burden of his discourse, "The Evidences of Decline in the American Government." Only one passage is here quoted as referring to an event thirty years in the past, which was a new era in Presidential campaigns, and since then there has been a constant loss of national dignity on all such occasions. Mr. Cochran thus referred to it:

The canvass of 1840, for President of the United States, differed from most others only in the importance it possessed, and the memorable struggle for the ascendancy which then occurred. No one can deny the magnitude of the question which was then to be decided; and it is equally clear that the people should have decided that great matter after the most candid investigation, and in the exercise of the most dispassionate judgment. How was the public mind prepared for that event? I shall now attempt to answer that question in all candor. The first thing done was to fan political opinions into passions, and drown the voice of reason in the din of party strife. By way of reproach, one party declared that the other was supporting a candidate whose highest ambition would be fully satisfied with a log cabin for a dwelling house, and hard cider for a beverage. And the other party, instead of treating so foolish a remark with silent contempt, seized upon it as a matter of persecution on the part of its opponents, and as an evidence of the aristocratic principles of those by whom it was urged as an objection; and the contest was not so much one for principle, as it seemed to be which party should render itself most ridiculous.

To do Judge Cochran justice, it should be claimed for him, that his natural gifts are of a high order, and that by diligent cultivation, and a correct taste, he has mastered a style of public speaking which few can surpass. His moods, however, are not always the same. At times, it would seem that his efforts were almost failures; and then, at other times, he was overwhelming in argument, and soared in the loftiest regions of eloquence. Distinguished as he is, he has never reached the proper destiny nature has pointed out.

WILLIAM H. MUSGROVE, of Blount, was an elderly gentleman who for many years served alternately in the Senate and House. He was from Tennessee, and removed to Alabama about the time of its admission into the Union, in 1819. He was a faithful, working, quiet member, who consumed but little of the public time in debate, yet he was constant in his attendance upon the House and Committees. He had a placid face and agreeable features, which indicated a good heart. If still living, he must be much advanced in years.

MATTHEW PHILLIPS, of Chambers, was from Georgia, in the Legislature of which State he had been a Representative from

Jasper county, about the year 1828. He was a lawyer by profession, of moderate abilities, making up by his attention to business for what he lacked in other respects. This was probably the secret of any success he had in life. He was quite genial in his disposition, and very neat in his person and dress, and moved in a very respectable circle. Messrs. John T. Hefflin, of Talladega, and William H. Barnes, of Lee, both since distinguished for legal ability, studied law under his direction.

LORENZO JAMES, of Clarke, was a South Carolinian, and a lineal descendant of Captain James, of Revolutionary fame. He graduated at Yale College, in 1824, and, marrying a daughter of Gen. Thomas Scott, he settled as a planter in Lowndes, which he represented in the Senate in 1836, being the first Senator from that county. Afterward, he removed to Clarke, where he was surrounded by a large, intelligent, and influential family connection. In 1841, he was elected to the House, where he took rank as a leading member. Placed at the head of the Committee of Ways and Means, he succeeded in reporting a revenue bill to relieve the Banks of the further charge of supporting the State Government, by substituting taxation. But the House, not coming up to his standard of duty in this trying emergency, the bill failed, much to the mortification of Col. James, and many other gentlemen who, convinced of the necessity, were anxious to brace and guard the public faith by returning to the system of direct taxation, which had been suspended several years. In 1849, he was again a member from Clarke, and afterward served a number of sessions in the Senate, in which he displayed tact and talent of no ordinary degree.

Col. James was a good debater, without attempting very often to engage the attention of the House, preferring his practical business habits of investigation, and acting upon it as the best means of promoting the public welfare. His conversational powers are very good, and he abounds with the spice of wit, anecdote and general humor. Few gentlemen living have mingled more extensively in the higher circles of society in the State. Time has dealt gently and kindly with him, and with a well-balanced mind and temperament, it is hoped that he may enjoy still many years of life and happiness. He is a member of the Methodist Episcopal Church. One of his sisters married Frederick S. Blount, Esq., of Mobile, a gentleman of fine personal worth, and a half-brother of the Hon. John H. Bryan, a Representative in Congress from North Carolina in 1825-7, and a distinguished member of the bar of that State.

WILLIAM O. WINSTON, of DeKalb, was born in Fauquier county, Virginia, in the year 1804, and came with his father to Hawkins county, East-Tennessee, in 1812. He was admitted to the bar in 1826, practiced his profession successfully, and was elected Clerk of the County Court in 1822, in which office he served two years, and resigned to remove to Alabama, where he settled in DeKalb county, 1830.

From time to time, commencing in 1840, he served in both branches of the Legislature for fifteen years, and as Solicitor in the Huntsville District for seven years. He resigned the latter office to take the Presidency of the Will's Valley Railroad Company, which position he held up to the time of the war, and since the war until 1867. He originated the internal improvement bill giving State aid to railroads, drew and reported it, and used his influence for its passage. He was an Elector on the Buchanan ticket in 1856, and was a member of the State Conventions of 1861 and 1865.

He was opposed to Secession, and voted against the ordinance, just before doing which he addressed the Convention, pledging himself to stand by the State in the troubles which might follow. He was in favor of referring the ordinance to the people for their action before finally adopting it, and of calling a convention of the slave States, to prepare as an ultimatum certain concessions to be made by the Northern people, which, if not granted, would be sufficient cause for a separation. In view of the passage of the ordinance, Col. Winston closed his speech as follows:

This done, Alabama stands forth an independent sovereignty—in anticipation of which event, he had written to his son, then a cadet at the Military Academy at West-Point, to resign his position there and return home, that he might unite his destiny with that of his native State; that, for nearly two years in that excellent school, the knowledge he had acquired of military tactics might be of some service in the approaching stormy times. He assured gentlemen that whatever glory might attach to this work of precipitation would belong to the leaders of that movement—to all of which they were most clearly entitled.

Col. Winston was a quiet, modest, retiring gentleman, entirely free from ostentation or undue pretension, and yet he was an active, working member in all the deliberative bodies in which I ever saw him. Well informed on most subjects of legislation, he naturally drifted into those channels which best promote the good of the people, with whom his heart ever beat in sympathetic union. Though he frequently engaged in debate, he was economical of the public time, and never remained long on the floor, to the discomfort of his fellow-members by inflicting on them tedious and vapid harangues. What he had to say sprang from his honest convictions, and, in supporting or opposing a measure, he at once came to the point, and then his duty was discharged.

In person, he was muscular and stout. His voice was strong and pleasant, which greatly aided his effectiveness. Col. Winston died in the early part of 1871.

FELIX G. NORMAN, of Franklin, was born and educated in Tennessee. He represented Franklin for the first time at the session of 1841, and by continuous elections, he served in the House until the close of the session of 1847-8, since which time he has been in private life, engaged in the practice of the law. While in the Legislature, Col. Norman was a very efficient member, both in debate and in Committees. He was a Democrat from honest conviction, and never departed from that faith, but always kept himself in the path of duty according to the best of his judgment. Acting on this principle, he opposed at every step the resolutions of the General Assembly accepting Alabama's portion of the proceeds of the public lands. In the same manner, he opposed what he considered the improper identity in the same resolution, on the Constitutional amendment providing for biennial sessions of the Legislature, and for the removal of the Seat of Government at the session of 1845. In all this, he only yielded to a sense of duty, to prevent injustice, or an unsafe precedent. However laudable his purpose, his course on the question of removal resulted to his injury, through influences subsequently brought to bear against him, in a political sense.

For many years, Col. Norman was Grand High Priest and Grand Master of the Masonic fraternity of Alabama, who presented him, on his retirement, appropriate medals, commemorating his services to the craft.

From his bearing in the Legislature, the courtesy he always exhibited in debate, the intelligence with which he handled questions, and the easy and graceful elocution which seemed natural to him, Col. Norman was unquestionably cast in a large intellectual mould, capable of expansion beyond the limits within which it was his fortune to be confined as a political aspirant. Although rigid in the tenets of his party, and at times somewhat acrimonious under provocation, he was not blind to the merits of a measure because it may have originated with his opponents. He was bold and fearless, often displaying the gallantry of ancient knighthood in the legislative arena, shivering a lance with friend or foe without personal malice. His face was luminous with good feeling, and his whole deportment was that of a gentleman sensible of the rights of others, and careful of his own, in all that relates to the substantial etiquette of life. Had his lot permitted a more congenial opening for the development of his character after the inward model, there is no doubt that Col. Norman would have filled a large space before the public, and achieved a

reputation as proudly National as that which he now enjoys is, in a local view, distinguished for ability and honor. Perhaps the greatest obstacle to his advancement to higher places has been a certain measure of self-respect and honorable sensibility, which made intrigue and management, the usual medium of success, repugnant to his nature. He has abundant reason, however, to be satisfied with the result, in his own high and unimpeachable character. He is still in the meridian of life, and resides in Tusculumbia.

JOHN S. KENNEDY, of Lauderdale, is a native of Alabama, and was educated at LaGrange College. He studied law, and, when young, was elected a Representative in the Legislature, in 1841, and served again in 1842, after which he engaged more earnestly in the practice of the law. In 1847, he was a Representative, and was elected Solicitor of the Florence Circuit, and was reelected in 1851 and in 1855.

From early life, Mr. Kennedy evinced good judgment in forming, and energy and perseverance in the prosecution of, his plans. Withal he possessed the faculty too much wanting in young men, of husbanding and using their means profitably. Following this dictate of prudence, he has been led on to independence and usefulness as a manufacturer. Before the war he had engaged largely in this pursuit in North-Alabama. During that period, when the Federal troops invaded that portion of the State, he became a refugee, and made his abode at Tuscaloosa, where, in connection with other gentlemen, he controlled the cotton factory in that place. Since then, he has built a factory a few miles from Tuscaloosa, which is appropriately called *Kennedale*—an establishment likely to exert no little influence in advancing the interest of the surrounding country. In his history and success he is a striking example of what may be reached by persevering industry and frugality. Much to his credit, he is liberal and public-spirited in the application of his means.

Perhaps this is a proper occasion for the indulgence of a few thoughts, intended chiefly for young men. In the fortunes of Mr. Kennedy it is seen what may be accomplished by good management, from early youth. When he came to the Legislature, in 1841, he, no doubt, marked out for himself a bright career in the public service. It required considerable nerve to change the Constitution, so as to legalize biennial sessions of the Legislature, and to reduce the quota of Senators and Representatives as previously fixed by law. Yet he offered resolutions for this purpose, which passed the House, but were defeated in the Senate. His proposition, however, in regard to biennial sessions afterward

became engrafted on the Constitution, where it remained until that instrument became a prey to the misfortunes which fell upon the South in 1865, as the results of the war. His experience in Legislative halls, and in the judicial tribunals, no doubt satisfied his curiosity, without perhaps surfeiting his manly ambition; and he, therefore, directed his mind to other pursuits as likely to confer a better reward. Hence, he became a manufacturer of cotton goods, and was probably the first lawyer in Alabama who abandoned his profession, and all political preferment, to engage in this laudable work. Now, he has a *financial influence* felt and recognized by the public, constituting him, by way of preëminence, a man of the *solid class*, while hundreds and thousands of young men still linger on the threshold of the learned professions, or in comparative idleness, who might profitably emulate the example of Mr. Kennedy, and at once secure their own fortunes and the prosperity of their native South. Let the voice be heard and respected.

NATHANIEL DAVIS, of Limestone, was first elected to the House in 1840, and was a member in 1841, '42, '43, and '44. In 1847, he was a Senator from the district composed of Limestone and Morgan counties. In 1848 and 1851, he was again returned to the House, and, at the latter session, was a candidate for Speaker, but was defeated. This closed his public course, and in a few years thereafter he died.

Mr. Davis was an uncultivated man, especially in his early public life, but made some progress by his association with members of the Legislature, and with official men at the Capital. He had a good opinion of himself, and felt competent to grapple with master minds in discussion, and this idea caused him to occupy the floor frequently as a debater. His remarks were generally scattering, and he always made the impression on others that he started with an argument in his mind, but that it had slipped away from him before he could give it expression. Still he persisted in addressing the House, and sometimes there was pungency and wit in his remarks, although it by no means formed the staple of his long-winded harangues. He was known among the members by the cognomen, *Thamney* for short, it is supposed, to designate a somewhat privileged character, who took a hand in almost every question, and indulged, at times, a little too much familiarity with his brother members, who did not always appreciate the fact, however innocent the motive which prompted it. In the latter years of his public life, however, he improved in decorum, and established a pretty good reputation.

In December, 1852, when the Presidential Electors cast the vote of Alabama for Mr. Pierce, they appointed Mr. Davis, Messenger, to deliver the vote, in due form, to the authorities at

Washington. The mission was executed; but in what manner and with what address he contrived to deport himself amid the ceremonies of reception at the White House, always tendered to the Messengers, I have not been informed. There is no doubt that his self-possession did not desert him at this trying juncture. It was the last of his public services.

As Mr. Davis was playful and jolly, it may reasonably be expected that he would encourage a good thing of that class, even though it should a little trench upon the dignity of legislation. Accordingly he was the first to *second in his place* a certain resolution, concerning which the following extract is made from a Tuscaloosa paper, published December 29, 1841:

SATURDAY, DECEMBER 25.

[ The House met at 10 o'clock, pursuant to adjournment; but after the journal was read, no order could be preserved by the Speaker, and his attempts to enforce it were wholly abortive. Some members were more conspicuous than others for irregularities of conduct in the House.

Mr. Clemens moved the following resolution:

*“Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the two Houses assemble in the Hall of the House of Representatives, at 11 o'clock this day, for the purpose of singing the following*

JOINT SONG.

Now Christmas comes, and merry  
 Let every bosom be;  
 Lay down thy mallet, TERRY,  
 And let the Senate free.  
 This is no time for spouting,  
 Make no resolves to-day;  
 Thy voice is great at shouting  
 The merry roundelay.

The Senators are dozing—  
 The thing is quite evident;  
 They all feel like reposing—  
 Some are at least half bent.  
 Let PHILPOT and the MAJOR  
 Have holiday, I pray,  
 And I will lay a wager,  
 They are sober half the day!

Look not so grave in glasses,  
 Most gracious Doctor MOORE;  
 Adjourn the House of asses  
 And let them bray no more.  
 Bring down thine ivory hammer,  
 And let its voice proclaim,  
 One day's respite to grammar,  
 One day to eggs and game!

For where's the use of brawling  
 To-day, about the Law?  
 Some members are thrown sprawling,  
 And some are in the straw.  
 Fresh bowls they say are foaming,  
 More eggs are coming in;  
 Another boat is coming,  
 With oysters and gin!"

"The Speaker (Mr. Rice in the chair,) decided the motion was out of order, soon after which the House adjourned to Monday."

Mr. CLEMENS informed us (the editor) that the song was prepared by Mr. SMITH, one of the Representatives from Tuskaloosa.

It is unnecessary to describe the scene presented in the House, or the particular manifestations of *sympathy* by Mr. Davis. A Baltimore editor, after reading the song, and imagining the condition of affairs about that time in the House, with the entertainment it must have afforded to spectators, declared that he would cheerfully make the trip to the Capital of Alabama to witness such another exhibition.

Another demonstration of Mr. Davis may here be referred to before concluding this notice. He had seen leading members of the House, while in debate, read public documents and other books in support of their views. It had to him the appearance of great learning and tact. Between March 1, and April 26, 1843, the editor of the "Monitor" had published "*Heads of the Legislature,*" of the preceding session, which had been afterward printed in a volume of 178 pages. The sketches were given in the order of the roll, for each member in the House and Senate. In one place it was stated that the editor did not report in the House during the session of 1840, but was then a reporter in the Senate. Subsequently he commented, in his paper, upon the action of the House at the session of 1840, though he did not claim to be an eye-witness. To this passage Mr. Davis had an objection, as impugning his party. He, therefore, went to a book-store and purchased a copy of the "Heads," to be read as authority in order to weaken the statement of the editor, in making it appear that he had written the article on the report of another. Laying the book in his desk he patiently waited for a suitable occasion to make the *correction* in some debate on the floor, touching the matter to which the article referred. No such opportunity came, and the *learning* evidenced by reading a book as authority, and his boasted *triumph* vanished away in gas, like most of his *parliamentary* efforts.

To show that Mr. Davis wielded a certain influence in the Legislature, and that his character was socially respected, he was selected by Col. William R. King to announce his name for the United States Senate, in the joint convention of the two Houses at the first session at Montgomery, in 1847. Connecting him in

this form with a very distinguished public man, who died Vice-President of the United States, Mr. Davis is here consigned to the judgment of his countrymen, on the record indited by no unfriendly hand.

GEORGE T. JONES, of Madison, had, many years previously, served in the Legislature. He was elected to the House in 1841, which was the last session in which he took his seat, as age and infirmity were gathering upon him, and he declined all further calls to the public service. He still lived in the county, at an advanced age. At the election held 8th November, 1870, he had himself carried to the polls, and addressed a few words to his old neighbors and friends, telling them that it was likely he was casting his last vote. Mr. Jones was generally a silent member, but well informed as to his duties—indeed, a man far in advance of the largest number of his fellow members—and with a firmness that could not be shaken. If not a Roman, he was the descendant of one. Mr. Jones died in the early part of 1871.

JOHN B. HOGAN, of Mobile, was a conspicuous man in his day, qualified by courage and intelligence to fill respectably any station within the gift of the people. In 1835 and 1836 he was appointed, by Gen. Jackson, as United States Agent for the location of Indian Reserves in the Creek Nation, and in discharging his duties he had to encounter the stratagems of many speculators in purchasing the Indian lands for a mere trifle, availing themselves of the ignorance of the tribe. Some of these fraudulent operations were reported to the War Department, and were referred to by Gen. Cass, in the United States Senate, May 19, 1852, as may be seen in the Appendix to the Congressional Globe, vol. xxv. p. 596.

Previous to 1840, Col. Hogan had occupied a seat in the Senate from Mobile, and had been Collector of the port, until he was reformed out by President Harrison. In 1841, he canvassed for a seat in the House, and was elected. Col. Hogan was a gentleman of a high order of intellect and business qualities, well cultivated and developed. He was industrious and prompt, and, as Chairman of the Bank Committee, (a laborious position,) he sustained himself to the satisfaction of his fellow members, and the public. From first to last, he filled a large space in the political, business, and social circles of Mobile. The session of 1841 was the last in which he served, and, his health declining, he died a few years thereafter.

CHARLES E. B. STRODE, of Morgan, came from Virginia a young man, and located in Somerville, for the practice of the law. In 1839, 1840, and 1841, he was returned to the House. At the

latter session, he was elected Solicitor of the Seventh Judicial Circuit, which terminated his public life. Proud of his Virginia birth, blood, and education, and withal not a little ambitious and vain, he never failed to assert his claims to applause and admiration, on account of his superior literary accomplishments, by an address at once lofty and pretentious. In the meantime, that his refined scholarship might appear, he was exceedingly fastidious in his pronunciation, even in the agony of physical suffering, an instance of which is here given as illustrative of his character in this respect.

In the Summer of 1843, a personal friend of Mr. Strode, of whose literary cultivation he formed a high estimate, visited the Blount Springs, to improve his health by a brief sojourn at that popular watering place. In a few days thereafter Mr. Strode arrived, in quite a prostrate condition, and inquired of his friend if any baths could be had to refresh him after a dusty travel in the stage. The reply was, that baths would be speedily furnished by the proprietor of the Springs, either hot, cold, or *tepid*, pronouncing the latter word as *tea-pid*, from a habitual carelessness in consulting his dictionary for the standard pronunciation of short words. Mr. Strode made no criticism at the time, but soon ordered a warm bath, in which he indulged to his satisfaction. They enjoyed each other's company until bed-time, and, by request, they occupied rooms adjoining. At a late hour of the night, Mr. Strode had a very painful attack of colic, and called on his friend to break open the door, as it was locked inside, and he was unable to leave his bed. Before doing this, his friend waked up the landlord, who soon brought a physician. In the meantime, however, the door had been prized open, and Mr. Strode's friend entered the chamber, to afford him all the relief in his power. The sufferer exclaimed, in great agony, "Oh, my dear M. I shall die; yes, I shall be cut off! Oh, horrible! What pain; farewell! I can not survive this attack. I never had such pains before. Hold me; rub me; my bowels are as hard as sticks. I am to die in the prime of life. Yes, I am dying just as honors begun—Oh, horrid—what a sharp pain now darts through my vitals—my honors were just blooming. I always thought well of you, my dear M. Oh; my distress! can I bear it ten minutes longer? Surely the Doctor will help! You must pardon my candor in the hour of death. My last hour has come—death or the Doctor! You have done all you could possibly do for me. Oh! oh, how sharp the sting! Think not hard of me—you caused me pain, not this *infernal* colic. Oh, can I have time to tell you what pain you inflicted on my literary taste! Oh, mercy—I shall die! But, Mr. M—, you did pronounce that word *tepid* horribly; I expected better things of you!"

Here the arrival of the doctor and landlord, with hot baths, mustard plasters, stimulants, and anodynes, and servants to assist, broke up the conversation, which was then assuming a very *critical* turn. In the course of an hour, Mr. Strode was entirely relieved, and fell into a gentle slumber. His friend watched by his bed-side during most of the night, and the first remark he made on waking up was, "M. how kind you are? I thought you were a refined scholar, as your style denotes; but then you must mind your pronunciation. It is unworthy of your character in other respects, and you ought by all means to be a finished gentleman."

This anecdote is related merely to show the fastidious ideas of Mr. Strode. His whole conduct and aims seemed to correspond with this standard. As such, it was natural for him to feel a great contempt for his colleague, Col. McClanahan, who had never been a student at College, or even of an Academy. For this deficiency of education alone, his colleague was regarded as only a coarse, illiterate countryman; and yet, strange to say, this *rough, ignorant man*, as Mr. Strode was pleased to consider him, always led the ticket, leaving Mr. Strode to bring up the rear on the same Democratic platform. Mortified at this result, the Virginia aspirant tried hard to change it, and get himself in front, yet always without success. But in his electioneering tours, he had shown considerable dexterity, and made a favorable impression upon a plain man, who complimented Mr. Strode upon the manner in which he bore himself in the Legislature and in the canvass, and went so far in panegyric as to say that, if he continued a few years longer, he would no doubt become as great a man as Col. McClanahan! This was a *dampener* to Mr. Strode's ambition, and very inconsistent with the opinion he entertained of his own merits, and of Col. McClanahan's inferior qualifications. So he looked about for a door to escape from such darkness, and became a candidate for Solicitor of another Judicial Circuit, to which office he was elected, and he thereupon changed his residence to Livingston, Sumter county, one hundred miles from the scene of his mortification.

But Mr. Strode had one opportunity of taking revenge in the spirit of a true gentleman, as he was in all the traits of his character. The old Door-Keeper of the House, from Morgan, opposed his election before the people, but failed to defeat him. When the next election for Door-Keeper came on, the old incumbent was again a candidate, and, fearing that Mr. Strode would vote and use his influence against him, sent a friend to the latter gentleman to make terms. The representative of the candidate was asked what he wanted, and, on disclosing his business, Mr. Strode replied, "Tell him I will vote for him for Door-Keeper."

I consider him well qualified, and only fit to wait upon gentlemen."

From this picture, the individuality of Mr. Strode may be deduced. He was a good speaker, very chaste in his diction, and much in the habit of quoting Shakspeare and the classics in debate. In social intercourse, he was very agreeable and confiding.

JAMES CAIN, of Walker, was first elected to the House in 1837, and was occasionally returned up to 1849, which was probably his last session. He was a Whig, and in his Democratic county, had to watch his chances to get into the Legislature. Honest and popular, he was a man of good habits, of very little pretension, and grew largely in the esteem of public men, for the probity and consistency of his character. By industry and economy, he had acquired before the war a good property, and was hospitable and charitable in his relations to society.

In October, 1862, the writer was called to Chattanooga, in an attempt to find a son who was suffering from the casualties of war. At the car-shed he met with Mr. Cain, on his way to Knoxville on a similar business. We were both fatigued and care-worn, but soon stirred up the old acquaintances and friendship. Time had dealt gently with the old man, and his face wore the same pleasant expression as in former years. In the din of that crowd, we for a time forgot our cares and surroundings, and lived over some of the scenes enjoyed a quarter of a century before, in the old Capitol at Tuscaloosa. He was still living a short time ago.

Mr. Cain is a favorable specimen of a class of men who have been aptly styled "the bone and sinew of the country." Without the aid of books, he possessed a sound, practical judgment in the every-day affairs of life, doing justice to all men, and requiring the same equivalent. In proportion as his character was understood, it increased in public estimation.

JAMES M. RUSHING, of Sumter, belonged to the legal profession, and was elected to the House in 1841, the only session in which he served. He was then a candidate for Judge of the County Court, and was beaten by Gideon B. Frierson, Esq. In politics he was a democrat. At the bar he made no very distinguished figure, as he was naturally diffident, and had no great ambition. Morally and socially his standing was good, although he was no star in society. In truth, Mr. Rushing was rather slow and heavy in conversation, and very plain in his manners. The companionship of cultivated men seemed to communicate no polish to him. His nature resisted all such aggression, still he was

reliable in the business of his profession, and always had a respectable practice. He rarely addressed the jury, and never ventured upon a flight of eloquence, or of fancy, to gain his point. If he could not succeed without such agency he preferred defeat. Always calm, he was always prudent, and never forcible. He might justly be compared to a timid ray of light feeling its way quietly into a fog, rather than to a thunder-bolt, smiting the atmosphere in a blaze. Safe and certain was his motto.

Though a bachelor, Mr. Rushing was chairman of the Committee on Divorce and Alimony, to whom all applications and records on these domestic troubles were referred. Having no sympathies by experience, he was the better qualified, perhaps, to adhere strictly to the law, which he always did in his reports to the House.

HARRISON W. COVINGTON, of Sumter, was a native of North Carolina, and a graduate of the University of that State in the class of 1834. He was a lawyer by profession, and was elected to the House from Sumter in 1841. Owing to indisposition most of the time, his attendance on the sittings of the House was irregular, though he had impressed his fellow-members forcibly as to talent and propriety of conduct. He did not serve at any future session of the Legislature. After remaining several years in Alabama, with what degree of success the writer has not been informed, Mr. Covington returned to the State of his nativity.

Among the other graduates of the University of North Carolina who have served in the Legislature of Alabama, are the following gentlemen whose names occur to the writer:

- Isaac Croom, of Greene, who graduated in the class of 1815;
- Pleasant H. May, of Tuscaloosa, 1818;
- Pleasant W. Kittrell, of Greene, 1822;
- John Rains, of Marengo, 1823;
- Archibald Gilchrist, of Lowndes, 1826;
- Thomas McCarroll Prince, of Mobile, 1827.

By referring to the roll of practising attorneys in Alabama, in 1845, the names of many gentlemen will be seen who were likewise graduates at Chapel Hill.

LEROY GRESHAM, of Tallapoosa, was returned to the House in 1841, and again in 1842, and served through both sessions with commendable diligence and attention as a Representative. He was a lawyer, and though moderate and unpretending, he often took part in discussions on the floor. Before the close of the last session in which he served, he was elected Judge of the County Court of Tallapoosa county, the duties of which office he faithfully discharged for many years. He was a Whig in politics; and with

many strong points of character, he combined many elements of popularity; but in a free and ungoverned use of them, they became the instruments of his ruin. He died a few years ago.

JABEZ MITCHELL, of Tuscaloosa, was elected to the House in 1838, and, except one, was reelected every year thereafter to 1845, including which made seven elections by the people. His career was terminated by sudden death. He possessed a good, discriminating mind, well stored with political and other knowledge, which enabled him to appear to an advantage in debate, where he was always calm and deliberate. He was a Whig, and exerted a strong influence in his day upon the masses of the people. From some cause he had lost his right arm, which seemed rather to increase his *prestige* with his constituents. He was a planter, and his intelligence reflected credit upon that useful class of his fellow-citizens.

WYATT HEFFLIN was a Georgian, and settled in Randolph county soon after its organization, when the Indians vacated East-Alabama, in 1836. He was elected a member of the House in 1841, and again in 1843 and 1845. After this his health became infirm, and he persistently declined the repeated calls made upon him, by the people, for further service in the Legislature. He belonged to that class of plain, practical men who are generally safe and useful in a legislative body. He was far above the average in ability, and enjoyed throughout his connection with the Legislature the respect and esteem of his fellow-members. In the days of Troup and Clark, in Georgia, he was a Democrat on the Clark model.

Mr. Hefflin is the father of Judge John T. Hefflin, of Talladega; of the Hon. R. S. Hefflin, a Representative in Congress; and of Dr. Wilson S. Hefflin, of Louisa, Randolph county.

WILLIAM HARRISON GREEN, of Livingston, Sumter county, is entitled to a respectful notice, not only for his personal merits, but in conformity with the rule in regard to candidates before the Legislature. At the session of 1841, he took part in the canvass for Solicitor of the Seventh Circuit. The ballot was, for C. E. B. Strode, a member of the House, 73; for Samuel F. Austill, 27; for William H. Green, 11; and for Lemuel Cook, 10.

In early manhood, Mr. Green removed from North Carolina, and settled at Livingston, Alabama, in 1835, where he opened a law office. In 1836, he married a relative, Matilda, the daughter of his uncle, Simmons Harrison, Esq., of Kemper county, Mississippi. By this connection, he became allied to Nathan B. Bush, Dr. Lewis Bush, Dr. Alexander Sledge, Dr. Levin B. Lane, and

others who wielded a large family influence in Marengo county. By this marriage he became the brother-in-law of Jacob Giles and James Bryan Shine, of Kemper county.

Mr. Greene was a gentleman of fine literary taste, and of sound professional judgment. At the request of the citizens, he delivered a public eulogy, in 1836, on ex-President Madison, which was much admired. He afterward formed a law partnership with Murray F. Smith, Esq., which commanded a large practice for many years. Mr. Greene had a large fund of common sense, which he carried into the practical concerns of life. His moral character was of the highest standard. He was a member of the Episcopal Church, and died several years ago. His exemplary life is worthy of all respect.

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## CHAPTER XV.

### *Legislature of 1842—List of Members—Banks placed in Liquidation—White Basis—Events of the Session.*

The events and developments of the session of 1841 had the effect to arouse the public mind throughout the State, and to prepare it for the elections of 1842. The people came up to the occasion, and met the exigency with prudence and energy. The best men were selected for the Legislature in most of the counties—practical, safe men, who, in their circumstances and character, were above the influence of the Banks, and would do their duty toward restoring the currency to the proper standard. The result was the election of the strongest House in this respect that had for years been returned to the Capitol.

The General Assembly met, under a change of time, on 5th December, 1842. The attendance was large in both Houses. In the Senate, thirty of the thirty-three Senators were present. Col. NATHANIEL TERRY, of Limestone, was reelected President, unanimously; George B. Clithnall, Secretary; Thaddeus Scales, Assistant Secretary, and A. R. Thomas, Door-Keeper.

The members of the Senate, representing Districts composed of one, two, or more counties, were the following:

| <i>Counties.</i>                       | <i>Senators.</i>       |
|--|------------------------|
| 1. Autauga and Coosa.....              | Dixon Hall,            |
| 2. Cherokee and DeKalb.....            | Arthur Foster,         |
| 3. St. Clair and Jefferson.....        | Walker K. Baylor,      |
| 4. Blount and Marshall.....            | Mace T. P. Brindley,   |
| 5. Barbour and Russell.....            | Jefferson Buford,      |
| 6. Macon and Tallapoosa.....           | Samuel C. Dailey,      |
| 7. Morgan and Walker.....              | Milton McClanahan,     |
| 8. Franklin.....                       | Benjamin Hudson,       |
| 9. Tuscaloosa.....                     | Dennis Dent,           |
| 10. Sumter.....                        | John Edmund Jones,     |
| 11. Pickens.....                       | Peyton King,           |
| 12. Lauderdale.....                    | Hugh McVay,            |
| 13. Dallas.....                        | William S. Phillips,   |
| 14. Wilcox.....                        | Walter R. Ross,        |
| 15. Greene.....                        | Harry I. Thornton,     |
| 16. Mobile.....                        | Theophilus L. Toulmin, |
| 17. Bibb and Shelby.....               | Daniel E. Watrous,     |
| 18. Fayette.....                       | Burr W. Wilson,        |
| 19. Jackson.....                       | Thomas Wilson,         |
| 20. Lawrence.....                      | Hugh M. Rogers,        |
| 21. Talladega.....                     | Felix G. McConnell,    |
| 22. Butler.....                        | Asa Arrington,         |
| 23. Clarke, Baldwin and Washington.... | Gerard W. Creagh,      |
| 24. Madison.....                       | William Fleming,       |
| 25. Marengo.....                       | William B. Moores,     |
| 26. Montgomery.....                    | Samuel C. Oliver,      |
| 27. Limestone.....                     | Nathaniel Terry,       |
| 28. Benton.....                        | Thomas A. Walker,      |
| 29. Perry.....                         | Richard B. Walthall,   |
| 30. Monroe and Conecuh.....            | John Watkins,          |
| 31. Henry, Dale and Covington.....     | Angus McAllister,      |
| 32. Lowndes.....                       | John S. Hunter,        |
| 33. Chambers.....                      | James E. Reese.        |

The House consisted of the following members:

| <i>Counties.</i> | <i>Representatives.</i>                                     |
|------------------|---|
| 1. Autauga.....  | William S. Morgan and John E. Mitchell,                     |
| 2. Baldwin.....  | William H. Gasque,  |
| 3. Barbour.....  | John W. A. Pettit and John Jackson,                         |
| 4. Benton.....   | William B. Martin, Miles W. Abernathy,<br>and John Cochran, |

| <i>Counties.</i>    | <i>Representatives.</i>   |
|---------------------|---|
| 5. Bibb.....        | Robert Hill and Kenneth Morrison,   |
| 6. Blount.....      | Godfrey Fowler and Isaac Wharton,   |
| 7. Butler.....      | Thomas H. Watts and H. S. Henderson,                                      |
| 8. Cherokee.....    | Thomas B. Cooper and J. M. Hendrix,                                       |
| 9. Chambers.....    | Charles McLemore and William G. Morgan,                                   |
| 10. Clarke.....     | Peter Dubose,   |
| 11. Conecuh.....    | Churchill Jones,  |
| 12. Coosa.....      | Anderson H. Kendrick,   |
| 13. Covington.....  | Josiah Jones,   |
| 14. Dallas.....     | William H. Norris and James M. Calhoun,                                   |
| 15. DeKalb.....     | William O. Winston and James M. Langford,                                 |
| 16. Fayette.....    | James M. Morris and Elijah Marchbanks,                                    |
| 17. Franklin.....   | Felix G. Norman, B. R. Garland, and John<br>T. Richeson,                  |
| 18. Greene.....     | John Erwin, J. M. Witherspoon, and William<br>G. Jones.                   |
| 19. Henry.....      | John Pynes and William Gamble,  |
| 20. Jackson.....    | Alva Finley, E. W. Williams, James Mundy<br>and Robert T. Scott,          |
| 21. Jefferson.....  | Samuel S. Earle and L. G. McMillion,                                      |
| 22. Lawrence.....   | Tandy W. Walker, Denton H. Valliant and<br>David Hubbard,                 |
| 23. Lauderdale..... | Jonathan Douglass, John S. Kennedy and<br>Henry D. Smith,                 |
| 24. Limestone.....  | Elbert H. English and Waddy Tate,   |
| 25. Lowndes.....    | Alfred Harrison and J. W. Dunklin,  |
| 26. Macon.....      | Whiting Oliver,   |
| 27. Madison.....    | David Moore, C. C. Clay, Jr., James Robin-<br>son and J. W. McClung,      |
| 28. Marengo.....    | Joseph Pickett and John W. Henley,  |
| 29. Marion.....     | Leroy Kennedy,  |
| 30. Marshall.....   | William M. Griffin and James Fletcher,                                    |
| 31. Mobile.....     | Isaac H. Erwin, Thomas W. McCoy, John<br>A. Campbell and William D. Dunn, |
| 32. Monroe.....     | William Cunningham and John Morrissette,                                  |
| 33. Montgomery...   | Robert J. Ware, and John Caffey,  |
| 34. Morgan.....     | Francis M. Roby and Green P. Rice,  |
| 35. Perry.....      | William S. Miree, John Barron and Andrew<br>B. Moore,                     |
| 36. Pickens.....    | Nathan Smith, Thomas Williams and Reuben<br>Gardner,                      |
| 37. Pike.....       | James H. Crowder and B. W. Hodges,  |
| 38. Randolph.....   | Jeremiah Murphy,  |
| 39. Russell.....    | Brittain D. Harris,   |
| 40. Shelby.....     | John S. Storrs and Wilson M. Kidd,  |

*Counties.**Representatives.*

41. St. Clair.....James B. Bothwell,  
 42. Sumter.....William Woodward, Isaac F. Dortch and John  
                                   A. Winston,  
 43. Talladega.....John W. Bishop and A. R. Barclay,  
 44. Tallapoosa.....Leroy Gresham,  
 45. Tuscaloosa.....Benjamin F. Porter, William P. Meriwether,  
                                   Marion Banks, and William R. Smith,  
 46. Walker.....James Cain,  
 47. Washington....B. L. Turner,  
 48. Wilcox.....Charles Dear and John W. Bridges,  
 49. Dale and Coffee, Levin S. Skipper.

In the House of Representatives, ninety-four of the one hundred members answered to their names. John Erwin, of Greene, was elected Speaker—the vote being, for Erwin, 65; and for Charles McLemore, 27. Joseph Phelan was elected Principal Clerk; A. B. Clitherall, Assistant Clerk; W. C. Bibb, Engrossing Clerk, and James H. Owen, Door-Keeper.

In the Senate, one-third held over. Some changes in the newly elected Senators may be noted. Dr. John Watkins succeeded Mr. S. S. Andress, from Monroe; Col. Richard B. Walthall took the place of Henry C. Lea, from Perry; Major William Fleming returned to his seat, from Madison, which had been occupied by D. B. Turner; Gen. Thomas A. Walker succeeded Col. John R. Clarke, from Benton; and Mr. James S. Reese took the place of his brother, George Reese, of Chambers. Judge Thornton was Chairman of the Committee on the Judiciary; Gen. Toulmin, of Mobile, on State Bank and Branches; Mr. Walker at the head of the Committee on Federal Relations; Mr. Walthall, on Internal Improvement; Mr. Baylor, on Education; and Gov. McVay, on Propositions and Grievances.

In the House, there was an abundance of talent and experience, coupled with character of a high order. The chairmen of the most important Committees are here given to indicate the position of members:

- On State Bank and Branches, John A. Campbell, of Mobile;  
 On Ways and Means, John W. Bridges, of Wilcox;  
 On the Judiciary, James W. McClung, of Madison;  
 On Education, John Cochran, of Benton;  
 On Propositions and Grievances, David Moore, of Madison;  
 On Internal Improvement, R. J. Ware, of Montgomery;  
 On Public Printing, Andrew B. Moore, of Perry.

The Governor's annual message was transmitted to the two Houses, on Tuesday, of which the Senate ordered 1,500, and the House 5,000 copies to be printed. An abstract of this document, and portions quoted from it, are given under the head of Gov. Fitzpatrick's Administration. The topic most extensively dwelt upon by the Governor, was the regulation of banks and the currency. Soon after the message was read, Mr. Pettit, of Barbour, offered the following resolution:

*Resolved*, That the State Bank system of Alabama has failed to answer the design for which it was created, and ought to be discontinued; and it is the duty of the present Legislature to adopt measures for bringing the same to a close, at such time, and in such a manner as may best consult the public interest.

On motion of Mr. Martin, of Benton, the resolution was laid on the table.

The peculiar state of the times, the echoes from the people, and the practical teachings of the message, added to the high intellectual and moral tone of leading members, soon induced an earnest application of legislative energy for reform and improvement, looking to the public interest. The principal matters may be thus classed:

1. Retrenchment in all the departments of the Government, scarcely omitting an office, to diminish the burden of taxation.
2. The placing of the State Bank and Branches in liquidation, with a view to winding up their affairs, etc.
3. The passage of a revenue bill to pay the expenses of the State Government, and looking to the maintainance of the public faith; the first tax law of force in Alabama for many years.
4. Districting the State for the election of Representatives in Congress, upon the basis of white population.

As the latter measure was rather novel, and to many unexpected, it will be first noticed, from its inception to the final passage of the bill. It had its origin in the following resolution, offered by Mr. Hubbard, of Lawrence:

*Resolved*, That the Select Committee to whom was referred so much of the Governor's message as relates to laying off the State into Congressional districts, be instructed to report a bill for that purpose, having regard to the white population only, as the basis of such Congressional representation.

The resolution was adopted by a vote of 46, all Democrats except one, (Mr. Cain, of Walker,) in the affirmative, to 38, including all the Whig members of the House, and a few Democrats, whose names are given below in *italics*, in the negative. As this principle was probably the first of the kind ever brought forward in a Southern Legislature, and, as it gave rise to heated and protracted discussion while the bill was pending, it is deemed

necessary, as a part of the record, to give the yeas and nays on the adoption of the resolution. Those who voted for it were, Messrs:

|                     |                        |
|---------------------|------------------------|
| Abernathy,          | Kennedy of Lauderdale, |
| Bishop,             | Lankford,              |
| Bothwell,           | Marchbanks,            |
| Cain,               | McClung,               |
| Clay,               | McMillion,             |
| Cochran,            | Miree,                 |
| Dortch,             | Moore of Madison,      |
| Douglass,           | Mundy,                 |
| Dubose,             | Norman,                |
| Dunklin,            | Rice,                  |
| Earle,              | Richeson,              |
| English,            | Robinson,              |
| Finley,             | Roby,                  |
| Fletcher,           | Skipper,               |
| Fowler,             | Smith of Lauderdale,   |
| Garland,            | Tate,                  |
| Gasque,             | Turner,                |
| Griffin,            | Valliant,              |
| Hendrix,            | Walker,                |
| Hubbard,            | Wharton,               |
| Jones of Covington, | Williams of Jackson,   |
| Kennedy of Marion,  | Winston of DeKalb.     |

The members of the House who voted against the resolution were, Messrs:

|                       |                     |
|-----------------------|---------------------|
| <i>Speaker Erwin,</i> | Kidd,               |
| Banks,                | <i>Martin,</i>      |
| Barron,               | McCoy,              |
| <i>Bridges,</i>       | <i>Meriwether,</i>  |
| Caffey,               | Mitchell,           |
| <i>Calhoun,</i>       | Morgan of Autauga,  |
| <i>Campbell,</i>      | Morgan of Chambers, |
| Crowder,              | Morrisette,         |
| Dear,                 | Norris,             |
| Dunn,                 | Oliver,             |
| Erwin of Mobile,      | Pettit,             |
| Harris,               | Pickett,            |
| Harrison,             | Porter,             |
| Henley,               | Smith of Pickens,   |
| Hill,                 | Storrs,             |
| Jackson,              | Ware,               |
| Jones of Conecuh,     | Watts,              |
| Jones of Greene,      | Winston of Sumter,  |
| Kendrick,             | Witherspoon.        |

Without noticing the action of the House, in all its details, on the subject introduced, the whole matter is explained, and may be understood, as it was viewed, on the passage of the bill, by the respective parties. The Journal of the House, from page 396 to 398 inclusive, shows the following protests:

Mr. Jones, of Greene, submitted the following Protest against the passage of the resolution offered by Mr. Hubbard, on the subject of laying off the Congressional districts on the basis of white population alone:

We, the undersigned members of the House of Representatives, who voted in the minority against the passage of the resolution instructing the select committee to lay off the Congressional districts on the basis of white population alone, without regard to the slave population, feel it due to ourselves and our constituents to protest against the passage of the above mentioned resolution, for the following reasons:

First, Because, the Constitution of the United States provides that a representation in Congress shall be based on numbers, and that the number entitled to representation "shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons;" and the resolution, in our opinion, is a plain and direct violation of the provisions of the Constitution of the United States.

Second, Because, the right of the people of the Slave-holding States to an increased representation in Congress on account of their slaves, is one of the strongest guarantees in the Constitution against unjust interference on the part of the General Government with the popular institutions and rights of the slave-holding States; and the resolution tends to impair that right, and overthrow that guarantee.

Third, Because, heretofore in Alabama, and so far as we are informed, in all the other slave-holding States, Congressional districts have uniformly been laid off on the basis prescribed by the Constitution of the United States, and never on the basis of white population alone; and this resolution, unnecessary and without being called for by the people, violates and overthrows this uniform and long established usage, and introduces an alarming and dangerous innovation.

Fourth, Because, the resolution, though not intended for such a purpose, does, in our opinion, countenance and accord with the doctrines of the abolitionists, tends to encourage them in their wicked schemes, and gives to the rights and institutions of the slave-holding States the most dangerous blow that they ever received from southern men.

Fifth, Because, the resolution, in its practical effects, works the double injustice of giving to the northern part of the State an undue advantage over the south in electing members of Congress,—and to the dominant political party in the State, an equally unjust advantage over those who differ with them in opinion; and we deem it impolitic and unwise that the majority should make an innovation which places them in a position of seeming to be guilty of the sin of oppression, and tends to engender in the minority the deep, indignant and bitter resentment, which freemen must ever feel and express when conscious that their rights are wantonly violated.

(Signed,)

WM. G. JONES,  
ISAAC H. ERWIN,  
JOHN BARRON,  
ROBERT J. WARE,  
CHAS. DEAR,  
THOS. W. MCCOY,  
J. S. STORRS,  
WM. D. DUNN,  
BENJ. F. PORTER,  
WHITING OLIVER,  
JOHN JACKSON,  
WILSON M. KIDD,

JNO. W. HENLEY,  
WM. H. NORRIS,  
JAS. H. CROWDER,  
JOHN MORRISSETTE,  
JOSEPH PICKETT,  
WM. C. MORGAN,  
CHAS. McLEMORE,  
MARION BANKS,  
CHURCHILL JONES,  
J. M. WITHERSPOON,  
THOMAS H. WATTS,  
JOHN E. MITCHELL,

BRITAIN D. HARRIS.

Mr. Campbell submitted the following protest :

The undersigned, a member of the House of Representatives from the county of Mobile, having voted in the minority on the resolution of Mr. Hubbard, in regard to the manner of dividing the State into Congressional districts, avails himself of the constitutional privilege of placing on the Journals of the House the reasons for his vote.

The Constitution of the United States provides for the appointment of Representatives in Congress, and designates the persons by whom they shall be chosen.

The apportionment of Representatives is made among the several States included in the Union, according to the population of the States, adding, (among other persons,) three-fifths of the slave population.

The persons who shall elect members of the House of Representatives are appointed in the Constitution.

They are to be chosen by the people of the several States. Who constitute the "people" of the State, who have been appointed by the Constitution of the United States to choose Representatives in Congress?

This is the question presented in the resolution. The people of the State are those who have succeeded to the parties that formed the social compact, by which our State was called into existence. They are the successors of those who framed the State government, and are recognized in its constitution as the source of all power. They are those who can alter, abolish, or reform the government at pleasure. They are the successors of those who gave a valid assent to become members of the Federal Union. These are the persons recognized by the Constitution as having the right to choose the members of the House of Representatives to the Congress of the United States. Slaves are not recognized as parties to the compact. They are not a part of the people. In the choice of Representatives—their voice is not heard.

Who then constitute the "people" of the State? My answer is the free white citizens of the State.

If this power was exercised by the mass of the people, it is admitted that the existence of the slave population would not be regarded. Under the general ticket system, the free white persons of the State stand upon equal terms. The district system has been adopted for its convenience, because the representative is better known to his constituents, and has a better acquaintance with the local interests of those who select him. Because his responsibility is more direct, and the constituency have better opportunities to form their judgment upon the claims of candidates for their suffrages.

It has never been contended that the basis of political power has been altered by the division of the State into districts.

If the people, to whom the power of choice of members to Congress is committed, are divided, the undersigned conceives that the power should be distributed in the same proportion.

If the people at large are the depositories of the power, and for the convenience of its exercise, the people are distributed in parts, the power should be distributed according to the same rule.

The vote then of the undersigned against the resolution was not founded upon an objection to the principles it contained. The undersigned preferred an arrangement of the districts which would have harmonized both opinions. He saw nothing in the distribution of slave population in the State that made it necessary for the inquiry to be made that is contained in the resolution.

He believes that an equitable arrangement of the districts could have been made, which would have yielded to the free white citizen all his rights; which would have embodied in each district an equal portion of slave population; which would then have offended no party or sentiment.

The undersigned at various times expressed this opinion, openly and distinctly to the House of which he is a member. He earnestly invited the course, which, being followed, would have prevented discord, and yielded quiet and satisfaction. He objected to the resolution and amendment as mischievous; calculated to bring no aid to the counsels of the State, or good to the people. He moved to lay the subject on the table.

Against the proceedings of the undersigned opposition was enlisted. A large majority, composed of men holding both opinions, challenged discussion. Some who opposed the resolution, taunted those who favored the moderate course desired by the undersigned, as men wishing to dodge, and it was more than insinuated they were afraid to meet the issue.

The undersigned felt it to be his duty, from his place, to rebuke these insinuations, and upon the same principle of duty, he enters this protest against the votes of the majority on the motion to lay the subject on the table, and on the resolution.

JOHN A. CAMPBELL.

On the 28th January, 1843, the bill to divide the State into seven Congressional Districts finally passed the Senate by a vote of 15 to 13—all who voted in the affirmative being Democrats, and all in the negative being Whigs, except Mr. McAllister, of Henry. Those who voted for the passage of the bill, after reconsidering its rejection by one vote, were, Messrs:

Baylor,  
Brindley,  
Dailey,  
Fleming,  
Foster,  
Hudson,  
Jones,  
McClanahan,

McConnell,  
McVay,  
Rodgers,  
Toulmin,  
Walthall,  
Wilson of Fayette,  
Wilson of Jackson.

The Senators who voted against the passage of the bill were, Messrs:

Arrington,  
Buford,  
Creagh,  
Dent,  
Hunter,  
King,  
*McAllister.*

Oliver,  
Phillips,  
Reese,  
Ross,  
Thornton,  
Watrous.

The discussions on the bill, at its various stages, in the Senate, like those in the House, were able, animated, and sharp, often assuming an asperity similar to that which marked the passage of the General Ticket Bill, at the session of 1840.

MR. CAMPBELL, of Mobile, being justly regarded as a gentleman of more intellectual discrimination and force, and of a greater capacity for analysis than any in the House, at the session of 1842, which was preëminently a strong House, his report from the Bank Committee, on the 19th December, is here given from the Journal, as a summary of all the facts and questions presented:

Mr. Campbell, from the Committee on the State Bank and Branches, made the following report:

The Committee on the State Bank and Branches, to whom was referred that portion of the message of the Governor that relates to the condition and management of those Banks; and the resolution of the meeting of citizens of Russell

county, in regard to the currency and the policy to be pursued by the Banks; and a bill from the House, having for its object the final settlement of the affairs of the Branch Bank at Mobile, have had the subjects referred under consideration, and have instructed me to report—

1. The bill from the House, having for its object the liquidation and settlement of the affairs of the Branch of the Bank of the State of Alabama at Mobile, with several amendments; to which they ask the concurrence of the House, and recommend the passage of the bill.

2. A bill for the regulation of the Branch of the Bank of the State of Alabama at Decatur, having for its object to prevent the increase of its debts or liabilities, and the security and preservation of its assets.

3. A bill for the regulation of the Bank of the State of Alabama, and its Branches at Huntsville and Montgomery, having for its object to strengthen them in one effort to resume specie payments, and fixing the day for that purpose.

4. A bill having for its object the regulation of the expenses of the Banks, and the promotion of efficiency in the management of their suspended debt.

5. Joint Resolutions, embodying the sentiment of the Committee in regard to the course to be pursued by the President and Directors of the Banks in the collection of debts.

6. Joint Resolutions, having for their object to procure the release of the conditions on which the State of Alabama accepted the two per cent. fund; and also to provide for the establishment of the claims of the State upon the Federal Government.

The Governor, in his annual message, treats the subjects of reference as of paramount importance to all others that can command the attention of the General Assembly. Your Committee have approached the consideration of them, impressed with the conviction that their magnitude and importance to the welfare of the people could hardly be exaggerated. They acknowledge the responsibility which the House has devolved upon them. They anticipate the consequences which must ensue, if the Committee or the House shall be withdrawn from an honest search for the true policy to be adopted, and a sincere and hearty adherence by the people to whatsoever that policy demands.

The people of the State bear at this time evils of no ordinary magnitude. The derangement of the currency embarrasses and interrupts the transactions of civil and commercial intercourse. The citizen, in all his engagements that look to the future, experiences painful anxiety and distrust. He does not know what alteration may take place in the standard to which he now refers in his contracts. He has seen the most rapid and, to his mind, unaccountable fluctuations taking place from day to day and from week to week in it. He has seen that that property, the possession of which it was supposed would command every other, the most uncertain, unstable, and fluctuating in value of any.

Your Committee can not but believe that this state of things is attended with vast injustice. They hold it to be the duty of the State to provide that contracts made in good faith should be executed in sincerity and justice. That the habitual departure from good faith which results from using a variable and uncertain standard of value, loosens in the public mind the obligations to maintain it, and that such a course tends directly to a dissolution of social union. There is a direct obligation in every State to preserve and maintain this standard.

To bring men into closer union—to enable men to have the benefit of associated powers and strength—is the first object of the State; but how can there be association and union where the condition of the currency compels men to withdraw from commerce and intercourse with each other?

The effect of a depreciated currency upon the habits of men in their business arrangements and relations, is not the smallest evil to which we are exposed. The uncertainty that prevails from this cause renders men careless, and, to some extent, reckless. A condition of hazard is the condition of all men engaged in business; and a spirit of rash adventure and giddy speculation must be engendered among them. The sober calculations of industry—the just conclusions of a frugal and temperate enterprize—have scarcely a better chance of success than the hastiest and most daring scheme of thoughtless, heedless men. The qualities that

strengthen and maintain a State, that promote order and advance its civilization, have become depressed and discouraged.

The effects on the laboring man are still more oppressive. His very means of subsistence are exposed to danger. Experience has shown him that a steady demand, and certain wages for his labor, is the condition most suitable to his position in society. A variable and depreciated currency deranges all the regular operations of society. The capitalist refuses to make investments because all is uncertain. He hopes that each day will afford a better market; hence, employment to the laborer, becomes uncertain and difficult. The effect of this is to reduce his wages. His embarrassments are not ended, however, even when employment is obtained and his wages paid. The uncertainty in the value of the currency leads him into immediate, and probably improvident expenditures. He does not know how long the bill he receives will retain its present value; hence, idleness and intemperance frequently result—for, confidence being destroyed and confusion of mind substituted for it, the tendencies of the human character are to immorality, dissoluteness, and crime. Your Committee testify, with pleasure, that these pictures of public demoralization have not yet found their counterpart in this State. They attribute this to the fact that most men thought these evils were remediable, and that they would find the remedy in the action of the General Assembly now convened.

Your Committee can not resist the conclusion, that if the General Assembly does falter in the performance of its duty, that the character of the State will be degraded to the level of its currency; and that a condition will be attained, to which our gloomiest forebodings have not yet descended.

With these impressions, the Committee have instructed me to say that those of our public Banks that show no ability to maintain the resumption of specie payments, should be placed in a state of liquidation; and should, for a time, be tolerated, but disabled from doing further harm by an increase of their debts to the community.

The bills herewith submitted, are prepared to effectuate these objects. The bill for the regulation of the Branch Bank at Mobile, is returned to the House, with the amendments. These amendments do not affect the principle of the bill.

The Committee concur entirely in the sentiments of the Governor in regard to this institution, and have prepared the details of the measure so as to render the liquidation economical, and at the same time complete. Your Committee have considered the arguments that have been advanced in support of this institution. They have felt that the condition of the Bank at Mobile has been a commanding one; that it has been invested with powers which, had they been prudently exerted, would have yielded a rich return in benefits to the people; that its influence in maintaining the circulation and currency of the bills of the other Banks, has been important; and that its absence may expose the other Banks connected with the State to injurious assaults. Your committee have considered that even in a suspended condition, its machinery may have afforded conveniences to merchants and men of business; and that its removal may be attended with inconvenience, and produce pressure.

These arguments have all been deliberately weighed, and your Committee say in reply to them, that, without an especial reference to the acts of any board or individual, the history of the Bank displays a management characterized by much carelessness and inattention—that its losses have been overwhelming; and an important portion of those losses have been sustained directly from those who had it in charge—that its expense accounts, in some years, exhibit a disregard of the restrictions imposed by law, and, in others, profusion and extravagance; that some of its settlements betray want of judgment and consideration; and some of its business operations have not been judiciously planned, or prosecuted with a definite aim, and have resulted disastrously to the Bank and to the State.

Your Committee will observe, that the arguments they have noticed, apply with some force in favor of the continuance of a well regulated institution in that city.

Your Committee do not consider them as of any validity when applied to an institution in which fidelity, intelligence, and strict responsibility are absolutely requisite to its successful management; and if obtained in this, it is rather by an accident, than the operation of any principle in its constitution.

Your Committee, therefore, unanimously recommend that this Bank should close its business, and bring its affairs to a final settlement.

Your Committee agree with the Governor, that the amount of capital introduced into the State and deposited with the Banks, exceeded its wants, and that to this fact many of its embarrassments may be traced. Large numbers of our people were diverted from the natural and sure ways of wealth. The regular profits from industry were insignificant compared with those apparently derived from speculation—property acquired fictitious values, and unreal qualities. It circulated almost with the facility of mercantile paper, and at each change of hand, at an increased denomination. Money constantly depreciating, and prices elevated to an unnatural height, encouraged a spirit of extravagance and wastefulness. The necessary result of this feverish condition of affairs, was prostration, bankruptcy, and ruin to all who had suffered from the delusion.

Your Committee find that the cause is removed. The aggregation of capital so imprudently made, no longer exists. It passed from the Banks to the borrowers, and has escaped from them in their visionary schemes for increasing wealth. The cotton speculations of 1837, adventures in uncultivated lands, and unimproved town property, increase of slave property in the State at enormous prices, indulgence in habits of expense, general extravagance and profusion, dissipated the money drawn from the Banks; and in hundreds of instances, the debtor is without the ability to make payment. There can be little doubt that every Bank in the State has experienced a loss of a portion of its capital; and where there is no immediate danger of loss from the borrower acknowledged, it is conceded in such instances that the money drawn from the Banks has been invested in property yielding moderate returns of profit, and that the Banks must consent to a slow and cautious withdrawal of the amount, or the insolvency of the debtor becomes certain. Under this state of facts our banking establishments must be reduced; and that the State cannot hesitate to deal with them on the concession of the fact of their inability to exercise their functions.

This necessity has induced the Committee to recommend that the Branch Bank at Decatur should be deprived of this franchise. In its present condition, it can not exercise it without a loss to the State. Its location is such that with a new capital it could not continue business to advantage.

Your Committee, therefore, believe it is due to public expectation, as it certainly is consistent with sound policy, that the General Assembly should place its affairs in a train for final settlement.

In regard to the Bank of the State of Alabama and the Branches at Huntsville and Montgomery, your Committee have arrived at the conclusion that no final action should at this time take place. The charters of two of these Banks expire in 1845. The question whether they should go out of existence necessarily presents itself to the people. That question your Committee do not believe has yet been decided. The Committee are deeply impressed with the conviction that, if any step is taken in the management of this question, calculated to surprise the public mind, the effect might be to overthrow all the measures that are now held to be absolutely necessary. To meet the exigences in the condition of the State, the General Assembly must make a severe exaction upon the moral force of the people. Your Committee would have the difficulties in which the State is involved met firmly. The time has now come when there can be no evasion. Looking, then, steadily to the objects of reforming the currency of the State, and making provisions for the payment of the public debt, it is the duty of the General Assembly to move steadily and deliberately.

To move with no sudden, hasty, or violent effort, but with a calm and fixed purpose to attain the end—to move, not from the impulse of a speculative opinion, or even the just conclusions to which we may have attained, so much as to answer the sober demands of our constituents. For it has been well remarked, “that the remark can scarcely be repeated often enough, that however beneficial any proposed change in the policy of a country may be, it may not unfrequently be productive of evils on its sudden introduction, which will more than compensate the good it is fitted eventually to confer.” Among other reasons for this there is one peculiarly applicable in a country whose Government is constituted like ours:

"That it is seldom a change of any kind in the political or social relations of society, can be beneficently carried into execution before public opinion can be induced to declare decidedly in its favor."

Your Committee have no doubt that the people of the State look to the General Assembly to settle a day for the resumption of specie payments by the Banks. They require that the Banks shall make one effort to furnish to the State a convertible currency. Your Committee have appointed in the bill a day quite as far distant as the people will be disposed to tolerate, and have thus preserved to the people the means of answering, by their own experience and observation, whether the Banks have entirely failed in the objects of their creation, and whether the charters of the Banks shall be continued. Your Committee feel satisfied that a course less temperate than this will be productive of injurious consequences.

The State Bank system was early adopted in the State. To its benign influence in the first years of its existence, many of our people trace their prosperity. Within the last few years, doubts for the first time have been awakened to the result of the experiment. Against these doubts the community at large has struggled. Your Committee do not believe that the disasters which have overtaken the Banks, and which have depreciated their character and currency, have had the effect of destroying this confidence. The measure of its prostration should be resolved upon by the people, upon a view of its deficiencies, before the General Assembly will be justified in adopting it. Your Committee have, therefore, refrained from the inquiry, how far the system has failed. They have reported a bill which guards the Banks from mismanagement during the ensuing year, and have exposed the system to a plain and easy test, one which the sense of the community has selected, and upon its ability to bear that test, has rendered their existence dependent.

Your Committee will not discuss at length the details of the bills they have presented. These details comprise a change in the mode of selecting Directors—a change demanded by public opinion.

The plan proposed by the Committee contains the advantage derivable from the power of appointment; and some of the abuses to which it is exposed are not comprehended in it.

To the subject of the reduction of the number of officers in the Banks, and to the retrenchment of other expenses of the Banks, the Committee directed their attention. A very great retrenchment will be effected under the bills presented.

The joint resolutions submitted in regard to the course of the Bank Directors in the management of the Banks, are intended to answer the inquiries continually made for the course to be taken with the debts. The Committee are opposed to the passage of an indiscriminating relief measure. A discretion, regulated by the General Assembly, ought to be confided to the President and Directors.

The instructions contained in these resolutions will justify these officers in the adoption of a forbearing, and even indulgent course of action. Still, there should be limits to these, and the General Assembly can not, by law, accurately mark these limits. The subject must be confided to the Presidents and Directors.

The Committee have directed some attention to the inquiry, how far the Banks were able to meet their engagements. The result of these inquiries has led to the report of resolutions referring to the application of means not entirely within the control of the State, but providing for the attainment of them. The Committee will report more fully hereafter upon the subject of the resources of the Banks, and their ability to pay the interest upon the public debt and the bonds falling due in eighteen hundred and forty-four; also, upon the disposition to be made of the specie funds in the Mobile and Decatur Branches, and upon the measures to be taken to sustain the public faith.

The Committee can not conclude their report without declaring, that the evils from disordered finances crowd upon the people.

That the duty of the General Assembly to mitigate these evils, by an examination into all the departments of expenditure, has become an imperative obligation.

That efficiency in the administration of all the departments of the Government is demanded, and that efficiency will be most promoted by diminishing the number of officers, and defining with precision their duties.

Your Committee feel assured that when the General Assembly shall come to the people with evidence that their interests have been studiously considered—that their cause has suffered no harm by its dereliction of duty—it can make an appeal to the people to maintain the public faith and discharge the public obligations, which will never be rejected. Your Committee look with confidence to this co-operation between the General Assembly and the people, as the means, under Providence, left us for the preservation of the honor of the State, and the maintenance of its faith and character; and that upon the General Assembly devolves the duty of taking the first measures to secure that co-operation.

J. A. CAMPBELL, Chairman.

The report was laid on the table and five hundred copies ordered to be printed.

Much space has been already occupied by matter from the Journal of the House, but its perusal will at once reward the labor of examination. While drawing so freely from the mind and energies of Mr. Campbell, to indicate the action of the House, and the measures necessary for the occasion, a still further resort to this enlightened statesman is here ventured upon, as summing up the business of the session. On the Journal of February 14, 1843, the day before adjournment, the following report appears:

Mr. Campbell, from the select Committee, to whom was referred a bill to raise a revenue to maintain the plighted faith of Alabama, made the following report—

The select Committee to whom was referred a bill to be entitled an act to raise a revenue to maintain the plighted faith of the State, have had the subject under consideration, and have instructed me to report—

That the committee acquiesce, with regret and difficulty, in the conclusion that no action can be taken on the bill at the present session of the General Assembly. The Committee feel that a review of the measures of the present session will afford evidence that indifference to the objects of the bill can not be imputed to them.

When the General Assembly convened, it found that, years ago, the people had been discharged from the office of maintaining their institutions. That the Government of the State, its officers and administration, were all maintained by contributions from the public Banks. That all the appropriations in favor of schools, and for internal improvement, were derived from the same source.

These Banks had been, for years, unable to maintain their own engagements. They had furnished to the people an irredeemable currency, which was constantly fluctuating in value.

They had generated in the State a spirit of improvidence and wastefulness. Their management had been characterized by abuse and extravagance. They had indulged, in more instances than one, in fanciful speculations, to the great detriment of the business of the country. They had already occasioned a vast loss of capital and credit to the State. A reform was imperiously demanded.

The General Assembly, at its present session, have passed bills:

1. To provide by taxation a sum sufficient to meet the current expenses of the present year, and to support the Government until the taxes can be collected in the succeeding year.
2. The appropriation of money from the Banks for schools has been withdrawn, and no application for internal improvements has been admitted.
3. The powers granted to the Banks, to lend money or to increase their debts, have been revoked, and four Branch Banks have been placed in liquidation.
4. The system of bank management has been scrutinized. The number of officers has been reduced, their salaries curtailed, and efficiency has been promoted.
5. Resolutions enforcing responsibility, on account of illegal expenditures, have been adopted.
6. The salaries of all the officers in the Executive and Judicial Departments have been reduced, and the fees to subordinate officers, in the same departments, have been diminished.

7. The compensation to members of the General Assembly was reduced in the House. The Senate refuses to permit any alteration so far as it is concerned. Your Committee trust that the House will proceed as far as it is now permitted, and wait for instructions from the people, to perfect their system on this subject.

9. Bills have passed the House, retrenching expenses of suits in court, and dispensing with the expensive machinery employed to settle controversies, where no controversy exists between the parties.

The measures which the House has refused to pass are not less in importance, in their conservative influence, than those that were adopted. The embarrassments of the people are known to be great. The pecuniary distress, which originated in causes that have been in operation for years, will be increased by the measures of the session.

The General Assembly has passed no law to obstruct the regular administration of justice, or to hinder or delay the creditor in the collection of his debt. The debtors of the Banks have received no preference in the legislation of the State. The discrimination and indulgence that have marked the laws of the State for their benefit, have not appeared in the acts of the House of Representatives.

The preparation of these acts was necessarily a work of time, requiring much thought and discussion. In instances, all has not been done that some thought to be necessary to maintain the public obligations. And, in other instances, more has been done than many esteemed to be consistent with the observance of a prudent and discreet policy. Differences of opinion were unavoidable.

Examining the system of policy as a connected whole, your Committee feel constrained to say that a great and radical reform has been accomplished. That the present evils may be more severe than another course might have occasioned; but if such should be the fact, the people will have a compensation afforded to them in the good which must ultimately flow from their final and complete abandonment of a vicious and demoralizing system.

The separation of the State from all dependence on the Banks, and the concession of the fact, that years will elapse before they can discharge their debts from their resources, imposes the duty of an inquiry into the obligations of the State. The result of this inquiry has been to induce the conviction that the State should resort to taxation to provide the means to fulfil the public engagements.

The Banks were created by the State. They were endowed with the power of making contracts, and furnished them with the means of acquiring credit with the community. The acknowledgment of these facts, results in the conclusion that the State should refuse to withdraw any of the resources placed at the command of those institutions, while their engagements remain unfulfilled. It is true, that the State may safely calculate that a surplus will remain after the payment of those debts. It is not less true, that the employment by the State of that surplus in advance will impair the public confidence, diminish the value of the currency, and thereby increase the embarrassments of the people, and violate the faith of the State to the holders of the bills of the Banks.

The surplus that shall remain of the assets of the Banks, after the payment of their debts, should be applied to the payment of the principal sum due on account of their capitals.

The debts due to the Banks bear interest, while the debts due by them do not carry any interest in favor of their creditors. Hence, the resources of the Banks would be accumulating, and their credit would improve in proportion. If the State would dedicate the resources of these institutions to the fulfilment of their engagements, we might, within a very few years, expect the currency to be absorbed, and the State relieved from the scourge that has so severely afflicted it.

If the State insists upon applying the assets of the Banks to the payment of the interest on the State bonds, the capital of the Banks will soon be exhausted. The charges on the interest, arising from the separate debts of the Banks, will not be met by the amount that can be collected from that source during the present year.

At the end of this year's transactions, the Banks will be found in a worse condition than they now are, by the charges that are already imposed upon them.

This condition of things will be continued by the almost constant diminution

of the debts from which interest will be derived, by means of payments in the bills of the Bank, and the destruction of these bills, while the interest payable by the State on account of its bonds, and the University and School Funds, will exhibit no diminution.

Hence, every year will show the property of the State lessening in amount, while its debts remain stationary.

The end will be a resort to the people for taxes of a much larger amount, and imposing a severer burden, or to a declaration of bankruptcy by the State.

Your Committee are firmly of opinion that a timely resort to the people, for the means of paying the interest on the State debts, and the honest application of the remaining resources of the Banks to the extinguishment of the principal sum, is the policy most consistent with the duty and honor of the State. The idea can not be tolerated that this generation shall spend, in profusion and extravagance, the money borrowed upon the public credit, and that posterity shall bear the consequences. It would be a most atrocious violation of all the obligations we owe to our children, to impose upon them the burden, exclusively, of discharging the public debt. Let us, at least, transmit to them the inheritance of a State relieved, as far as possible, of the incumbrances which, in an evil hour, we imposed upon it. Let those incumbrances be a tax upon our industry, our comfort, our energies, and not upon theirs.

The propriety of this course is manifested when we consider the condition of a portion of the public debt.

There has been disclosed, at the present session of the General Assembly, a strong disposition to withdraw the Sixteenth Section Funds from the Banks. The University Funds are equally sacred.

These provisions for public education have their origin in the councils of the fathers of the republic. They display that forethought and farsightedness, which characterize the men of the revolution. They exhibit that profound and earnest spirit of patriotism, which is not satisfied by a transient and ephemeral policy, but which comprehends in its arrangements, every interest, however minute, and every person, however remote, either in time or in place, who is concerned in the destinies of the State. Your Committee invoke, for our counsels, the presence of that spirit.

These funds should be carefully and religiously preserved in the wrecks of the Banks, and the powers of the State should be employed at once to supply them, if they have been lost.

The bonds falling due in 1844, by the act under which they were issued, were made a charge upon a portion of the assets of the Banks. The payment of the principal of those bonds should be made as soon as practicable from these assets. Your Committee conclude that, after the redemption of the circulation, and the payment of the depositors of the Banks—after the security of the University and School Funds, and the payment of the interest on the bonds during this year and the next, there will not be a large amount of the resources of the Banks immediately available.

Some of the debts classified as good must be extended to very distant periods. Much of the real estate can not be disposed of, and the bad and doubtful debts will afford an unsafe dependence.

Every consideration your Committee can give this subject only fortifies the conviction that an appeal to the people has become necessary to sustain the plighted faith of the State. Your Committee can not make an argument in favor of the obligation. There are considerations, however, which should strengthen us to a prompt and ready obedience to it.

The American name, which for more than half a century has been an object of interest and hope to mankind, is now a word of reproach. It has become so from the want of fidelity on the part of the States in paying their debts.

The energies of our people have become weak and enervated. We want firm and manly public spirit in our legislation to restore power and confidence in our people.

The bonds of the American States have been distributed through European States. The pittance of the laboring man, the small fortune of the widow and

the orphan, the charities of the humane and the benevolent, the savings of honest industry, were cheerfully and trustingly invested in the promises of our people.

The existence of these facts should awaken the attention of our people to the importance of prompt and efficient action on this subject. They surely are of a character to aggravate the offense of any default on their part.

Your Committee regret that the work of preparation had not been commenced by the General Assembly at its present session. They express their deliberate conviction, that if any neglect should occur on the part of the Legislature at its next session, that the worst of consequences may happen. They can not, therefore, return the bill to the House, without an earnest exhortation to the people, and to the General Assembly which shall succeed this, in the care of the public interests, to go on to the full accomplishment of this work.

All of which is respectfully submitted.

The session of the General Assembly for the year 1842-'3 was regarded by the people of Alabama with great expectation and interest. The old State Bank had been incorporated in 1823, and its capital had been composed of the University Funds, the Funds from the Sales of the School Lands, the Three Per Cent. Fund, and all other public funds of the State. Its operations, for years, were simple and cautious, and its loans small and well secured. It assisted many persons with the means to enter their lands at the public offices, and was thus greatly endeared to the people of the State. After 1832 and to 1836, branches were established at Montgomery, Mobile, Decatur, and Huntsville, and the bonds of the State were sold to establish their capital. The capital of the State Bank was also increased, so that in 1842 the public debt of the State was near \$14,000,000, which was represented by the assets of these banks.

There were reports of such profits, that, in the year 1834, all State taxes were abolished, and the civil government was carried on by what was called bank profits.

The consequences of this large increase of bank capital, were, as usual, pernicious and baneful. The sober expectations of industry, together with the prudent courses by which these expectations might be realized, were neglected and exploded. Property attained a fictitious value; speculations were engendered in every part of the community; and a demand for bank credit became universal. The office of bank director was regarded as the most lucrative office of the State, and the Legislature was beset by greedy adventurers who sought the office as the chief object of ambition. The Legislature was corrupted by the struggles for the place, and all the mischiefs of log-rolling and huckstering were resorted to, in the competitions for the place.

In 1837, the banks suspended—a revulsion took place in the affairs of the people—relief-laws became necessary, and a weighty mass of insolvency was produced. From 1837 to 1842, the currency was depreciated, till it became inconvertible, except at a loss of fifty per cent., for specie. The interest on the State debt was

paid by purchases of cotton, which was re-sold at a heavy loss. There were frauds and peculations, and the apprehension of frauds became prevalent; a panic began to prevail; the bank debtors dreaded a change, and the bank dependents operated to prevent one. No measures of the General Assembly, during these years, show any improvement.

Gov. Fitzpatrick was alive to this condition of things as a patriot, a conservative statesman, and as the leader of the Democratic party, which had been, in the main, opposed to the enlargement of the banking system, and which had been carried by combinations of a minority of the party with their opponents—but which was now held responsible for the consequences.

In the Summer of 1842, during the session of the Supreme Court, the Governor had long and earnest consultations with his old and intimate friends, the Hon. Henry Goldtwaitte and John A. Campbell, Esq., upon the policy to be adopted, and the measures to be prepared during the next Winter; and the last named gentleman agreed to be a candidate for the Legislature, to assist in the consummation of the policy agreed upon. They agreed that the State Bank System was pernicious in principle, and that it should be abolished whenever it could be done, having a regard to the interests of the people, and the credit of the State; that the branches at Mobile and Decatur should be immediately deprived of the powers of banks, and should be put in liquidation; and that the course, as to the others, should depend upon the developments to be made.

On this basis, the elections in 1842 were carried by the Democratic party, which had a large majority in the Legislature. After the elections, the Governor took the most efficient measures to have the subject properly presented to the Legislature. The commissioners for examining the banks were selected with care and discrimination, and searching inquiries were made into the condition of the banks, and interrogatories, prepared by Mr. Campbell, were sent by the Governor to each of them, to be answered in their reports. Mr. Campbell also prepared the bill for the Mobile Branch Bank as the model for the work of liquidation, and submitted it to the Governor, and adopted.

With this preparation, the session commenced. At the meeting of the Legislature, it was agreed among these friends that John Erwin, of Greene, should be the Speaker of the House. He was selected for his efficiency—his power, as a presiding officer, to hold a deliberative body to its duty, and for his known integrity, and independence of all Bank connections. The selection was admirable.

The Bank Committee was chosen of men known to be firm, consistent and conservative—of men who could understand a

policy, and who would and could maintain one. As soon as it was fairly understood that the measures for a complete removal of the system from the State could be carried, without any sacrifice of the public honor and credit, or ruinous concessions to the public debtors, the Governor and his friends came heartily to the measures. All the acts on the subject of the Banks were prepared by the Bank Committee. The measure for closing the mother Bank of the State was projected by that Committee, and carried by its influence.

In the passage of these measures, the wisdom, providence and tact of Governor Fitzpatrick were displayed in their full vigor. With the measures, there was a restoration of taxation, a renewed pledge of the determination to sustain the public honor and credit; large reduction in expenditure—a careful selection of competent and faithful agents. No officer ever obtained so large a measure of popularity in the same time, as the Governor, and none more eminently deserved it.

At this same session, the Planters' and Merchants' Bank was put in liquidation—the charter of the City of Mobile passed, and provision made for the restoration of the damaged credit of that city, and also a provision against the creation of more debts. The whole system of that city was rescued from mismanagement and insolvency; and the management of the public trusts of the State, and public funds, was duly secured. The measures were so complete and efficient, that but little additions were found necessary at a future Legislature. The fruit of these measures was, the reduction of the State indebtedness to the sum of \$3,584,666, which was the debt in 1853.

## CHAPTER XVI.

*Judicial Elections, 1842—Character of the Judges.*

Among the duties devolving upon the General Assembly at its long and laborious session of 1842-'3, was the election of all the Judges of the Supreme Court, for a new term, and several Judges of the Circuit Court. Chief Justice Collier, and Associate Justices Goldthwaite and Ormond were reelected without opposition, for the first tribunal. For four of the Circuits there was, likewise, no competition, and the incumbents were reelected, to-wit:

For Second Judicial Circuit, Hon. Ezekiel Pickens;  
 For Third Judicial Circuit, Hon. Peter Martin;  
 For Fourth Judicial Circuit, Hon. Daniel Coleman;  
 For Seventh Judicial Circuit, Hon. Samuel Chapman.

There was a contest in relation to the Sixth Circuit, as shown by the ballotings here given:

|                      | <i>1st Ballot.</i> | <i>2d Ballot.</i> | <i>3d Ballot.</i> | <i>4th Ballot.</i> | <i>5th Ballot.</i> |
|----------------------|--------------------|-------------------|-------------------|--------------------|--------------------|
| George W. Crabb..... | 40                 | 45                | 46                | 50                 | 51                 |
| John Bragg.....      | 52                 | 54                | 54                | 53                 | 62                 |
| Robert McAlpin.....  | 12                 | 8                 | 8                 | 8                  | 0                  |
| Joseph Seawell.....  | 12                 | 8                 | 6                 | 5                  | 0                  |

Judge Bragg having received a majority of the whole number of votes cast was declared duly elected.

For the Ninth Circuit, Hon. Eli Shortridge received 82 votes, and George W. Stone 27. Thus ended the contest for Judicial offices on that occasion.

As it is intended to furnish in this work, more or less complete, a series of sketches, to include, not only Governors, Senators and Representatives in Congress, and members of the Legislature, but also a personal sketch of some of the Judges, it is believed that the present is a suitable occasion to begin the task. Nothing like biography will be attempted, but a mere outline of character, with such materials, or such facts as may be at command to give it form.

HON. EZEKIEL PICKENS, of Dallas, served in the Senate in 1828, but was on the Bench of the Circuit Court in 1837, when I became connected with the State Government, and continued in

office until 1847, when he was defeated for reëlection. In 1850, when the election of Judges was given to the people, he was triumphantly restored to his old dignity, and remained upon the bench several years, when he resigned and removed to Mississippi. He died, a few years thereafter, at his new home.

Besides being a lawyer, Judge Pickens was also a planter and a bachelor. His legal talents and acquirements were respectable, without being profound. He had many eccentricities and odd sayings, and an odd way of saying things, that detracted a good deal from the dignity that would otherwise have attached to his character, and his long connection with the bench. His charges to the jury were sometimes intermixed with his oddities, and frequently, in court, his irony burnt like caustic. It is related that a man was tried before him for cutting another to pieces with a bowie-knife, when that fearful weapon was frequently in use. Much to the surprise of everybody the jury brought in a verdict of not guilty, at which the Judge exclaimed, "My God!" a common expression with him. The next case was that of another man who was indicted for larceny, in having stolen a hat, and jury No. 2 returned him guilty, without hesitation. The Judge called him up to receive the sentence of the Court, before pronouncing which, he said, in a soft, sympathetic, low tone, "My friend, I reckon you have not lived long in this part of the country, and don't know the way crime is estimated here. Now, you have made a mistake. If you had cut a man all to pieces with a bowie-knife, that is no crime here; but if you steal anything, they will get you sure." This was no doubt intended as a castigation to jury No. 1, who were seated in the box, listening to the judge.

Another instance is related, where a young man of respectable parentage was accused of an offense of which he was found guilty, and the punishment was confinement in the Penitentiary from one or two to four years, in the discretion of the Court. Sentence was deferred until the next morning. In the meantime, the father of the youth, a respectable old gentleman, naturally feeling much for his son, ventured to approach the Judge, backed by the indorsement of friends, asking that the Judge, in consideration of the tender age of the prisoner, and his previous good character, would sentence him for the shortest period. The Judge took the night to reflect on the appeal to his leniency, and next morning, after the Court opened, he directed the Sheriff to bring in the prisoner. His father being present, Judge Pickens asked him to come up and take a seat by him. In the interval, while the Sheriff was bringing in the prisoner, and while the father promptly complied with the invitation of the Judge, persuading himself that it was a favorable sign, Judge Pickens told him that he had been thinking over the case of his son, and concluded it would be better for him to

learn a trade in the Penitentiary, so that, when his term would expire, he would be ready to start in the world; and now, my friend, said he, four years is the shortest term in which he can do this—yes, four years is the right time; so, you see, my friend, I will send him for four years.

When at Tuskalooza, many years ago, Mesmerism and Phrenology were having a run, and the Judge was fully in the excitement, and carried away with astonishment at the wonderful exhibitions he witnessed. He was said also to be a strong believer in Physiognomy; but Phrenology was his divinity. When the Morgan Masonic excitement occurred in 1830–31, Judge Pickens took decided ground in favor of the *anti-Masonic* party, and, if I mistake not, was President of a Convention held in those days, at Selma, to organize an anti-Masonic party.

It is said that in his earlier days, while at the bar, he exhibited ability as a public speaker. He was a Democrat from principle, and enjoyed the confidence of the party. In person, he was of small stature, much below the ordinary size. This, together with his peculiarities, made him a queer looking man. He possessed great integrity of character, and was useful in his sphere, with commendable public spirit.

HON. PETER MARTIN was born and educated in North Carolina, but came to Alabama when a young man, about the time the State was admitted into the Union. He soon took a decided position at the bar and in politics, and served a number of sessions in the Legislature. He was then elected Solicitor, and afterward Attorney-General of the State, in which capacity the writer first knew him for the prosecution against a wealthy, overbearing man, who had collected a crowd of fellows of the baser sort, and visited in an unlawful manner the house of a poor man who had offended him, inflicting severe chastisement. It was an aggravated battery, and it was pressed with great zeal and ability by the Attorney-General, who succeeded in having condign punishment administered.

On the promotion of Judge Collier to the Bench of the Supreme Court in 1836, Judge Martin was elected to preside over the 3d Circuit, a position he continued to fill until 1843, when he resigned, probably because he was not appointed Judge of the Supreme Court to fill a vacancy.

In 1844, he was brought forward on the Democratic ticket to represent Tuskalooza county in the Legislature, and entered the canvass with his accustomed zeal and energy. It was the year of the Presidential election, and all other contests were but subsidiary. Judge Martin was elected on a divided ticket. Upon the organization of the House, he was appointed Chairman of the

Committee on the State Bank and Branches, justly considered in those days laborious and responsible. He was an active member, frequently engaging in the debates, for which he was always ready. In shaping many useful measures of legislation, he rendered valuable aid. His service in the House, in 1844, was the last public position he held. He resumed the practice of the law, in which he continued, and died at Tuskaloosa, where he had lived many years.

On the Bench, Judge Martin gave general satisfaction, by the impartiality with which he presided. His face had by no means a prepossessing expression. It conveyed the idea of irregularity in other days, and was very deficient in those graces of the soul, of which the countenance is said to be the representative when they really exist in character. Besides a general insipidity of feature, and rather a forbidding scowl of the brows, his enunciation, or the quality of his voice, with a sort of mincing his sentences, made him a somewhat disagreeable speaker. Yet, in spite of all these defects, there was so much good sense, and, as a Judge, such evident honesty of purpose, in him, as to smooth over the deformities of his face, and to create an interest in the subject-matter upon which he was descanting. On first view, a stranger would decide that Judge Martin was a very coarse, not to say stupid, man. Nature had not dealt bountifully with his exterior, but his mind was a gem which, rubbed a little by opposition, gave a pure light—the light of intellect and knowledge, which always commanded respect in whatever public situation he was placed. As Attorney-General, as a Judge, and as a legislator, he has left behind him, in the memory of those who knew him in those several capacities, an impression favorable to his character.

HON. DANIEL COLEMAN, of Limestone county, was on the Bench in North-Alabama, and was but little known personally south of the mountain. He was for many years Judge of the Circuit Court, and could have secured higher judicial promotion if he would have accepted it. He resigned his commission as Circuit Judge in 1847, for the purpose of engaging in the mercantile business, for which he had a strong inclination. In 1848, he was placed on the Electoral Ticket for the State at large, but, having no taste for politics, he declined the honor. In June, 1851, upon the resignation of Mr. Justice Parsons, he was prevailed upon to accept the appointment, tendered by Gov. Collier, to fill the vacancy in the Supreme Court; but he declined an election by the Legislature. This ended his public connection with the State—a connection that had been maintained on his part, for many years, with great probity of character, and an

upright administration of the laws, which won for him the merited title of the "Good Judge." He died many years ago.

Judge Coleman was a plain, quiet, unassuming Christian gentleman, who exerted in his intercourse with society a most salutary influence. Had he indulged more ambition, with his solid attainments as a jurist, and as a general reader, with the strong hold he had upon the public confidence and respect, his public career might have been more varied than it was. He was a worthy member of the Methodist Episcopal Church, South.

HON. SAMUEL CHAPMAN came from Alabama to Virginia at an early period of the State's history, and settled first in North-Alabama, to pursue the practice of the law. He was on the Circuit Bench in 1837, when I first knew him, and he continued in the office a number of years. In 1842, he was reëlected by the Legislature without opposition, and reëlected again in 1847, over his competitors, James D. Webb and Gideon B. Frierson, Esqs. But in 1850, when the election of Judges was given to the people, he was beaten. This ended his connection with public life, and in a few years thereafter he died at Livingston, where he had resided since the prime of his days, and where he lost his wife in 1836.

In regard to his defeat before the people, for a high judicial station, the fact should be kept in mind that he was a gentleman of the olden school, high-minded, sensitive, and wholly unprepared by habits and education to cater to the popular sentiment. Before the Legislature, his opportunity was very different. There, his personal dignity was no barrier to success, and the decorum of his manners was understood and appreciated as something quite unlike haughtiness, which the people were apt to ascribe to a candidate who would not render himself familiar on their own terms. Judge Chapman had been in a station many years which necessarily precluded these interchanges of good-will and *cleverness* with the people as a mass. His personal associations and tastes were of another kind; and he was not solitary in the experience, that a modest, high-toned gentleman is often distanced at the polls, by a man whose chief merit, perhaps, is to gain public favor by arts and appliances from which a lofty nature would shrink in disgust.

The high character of Judge Chapman, socially and officially, calls for the warmest eulogy. He had fine stores of anecdote, and much humor to embellish their relation, when he had around him congenial minds, those who could value and enjoy his rich offerings. When thus favorably situated, he seldom failed to contribute to the entertainment of his friends and his select audience in his own way, reminding the looker-on of what he may imagine

to be the relaxation of an English Peer or Lord Chancellor, after the severe labors of the House or the Wool-sack. In *physique*, in the breadth and symmetry of his person, the round, intellectual forehead and manly features, all expressive of a great soul, Judge Chapman possessed rare advantages. His person on the Bench was a power of itself. He not only acted as a wise and upright Judge, but he looked the character. His brother, Gov. Chapman, by his long service in Congress, and by his term in the Executive, seems to have crowned the family name, in Alabama, in popular estimation. Much as I respect the latter gentleman, and willing as I am to render him full justice, I believe I do not claim wrongfully, when I bring forward his judicial brother as best entitled to that distinction. Merit of a high grade may exist in both, without detracting from either.

One of the daughters of Judge Chapman married the Hon. E. W. Pettus, late a Judge of the Circuit Court in Alabama, and another married George B. Saunders, Esq., the present Judge of the Probate Court of Sumter county.

HON. ELI SHORTRIDGE was a native of Kentucky, where he commenced the practice of the law. His liberal education, fine literary acquirements, and a sweet, persuasive elocution, soon opened the way to success. About the year 1826 the people of Kentucky became divided into two great parties in relation to the old and the new court system, a history of which will not be attempted here. Mr. Shortridge allied himself with the latter and was elected a Judge under the new organization. It was overthrown in the contest of 1828, which resulted in the election of Gov. Metcalf, over William T. Barry, who was the next year appointed Postmaster-General, by President Jackson, and afterward Minister to Spain, in which character he died abroad.

About the year 1830, Judge Shortridge removed to Alabama, and settled in Tuscaloosa, where he at once took a high position at the bar and in politics. He was a Democrat, and it was not long after he became eligible, from citizenship, before he was elected a Representative in the Legislature, where his influence and ability were soon felt and acknowledged. In 1835, he was elected Judge of the Ninth Judicial Circuit, then just formed, the duties of which office he discharged with firmness, patience, and integrity. He was the father of the late Hon. George D. Shortridge, who also became a Judge of the Circuit Court, and, in 1855, was a candidate for Governor; and, also, the grand-father of Burwell Boykin Lewis, Esq., of Shelby county, a lawyer, and justly regarded as one of the rising young men of the day.

It is due to the memory of Judge Shortridge, who has been dead many years, to say that his addresses to the jury, while at

the bar as an advocate, were models of beauty and eloquence, so pronounced by competent men who have heard him. He had a peculiar softness and euphony in his voice which exerted a charm on the listeners. Nothing could be more captivating. It was like the tones of a parlor organ, rich in melody, and gushing out in a perpetual concord of sweet sounds. If Cicero, himself, had been present, he must have been satisfied that the Kentucky and Alabama orator had reached as near perfection in this respect, as it was permitted any man to attain. I speak of the art or gift of delivery alone. His style, however, was not less beautiful in the purity of diction; and it seemed as if he always held a check on himself, as if to curb a vivid imagination. There were occasions, however, when he soared beyond this restraint, though never to the height of his capacity. In his youth, he had drank from the purest fountains of eloquence, with such models as Clay, Crittenden, and Barry, all of the first order, to influence his taste.

After this flattering picture, it may possibly be demanded why, with such gifts, Judge Shortridge did not figure to more advantage in the public arena? The reply is brief, and made with regret. He was truly social, and the most entertaining of company. Conviviality ripened into habit, and the strong man—the prince of orators—the best of Judges—gradually languished, and then his light perished in the ruin. Strength and weakness, how mysteriously combined!

HON. JOHN J. ORMOND was upon the Bench of the Supreme Court when I first knew him, in 1837. He had previously been a member of the Legislature from Lawrence county, and from the solid order of his talents, and his capacity for legislation, he became very prominent and influential in that sphere. He was a Whig in politics, and it is a proof that his merits and character were commanding, when he received promotion at the hands of the Democratic majority. In fact, such was the general confidence in his integrity as a man, and the great respect entertained for his liberality as a politician, that a mere party name did not seem to work him the least prejudice. He aimed at uprightness in all his conduct, judicial and otherwise, and it was a severe trial to his sensibilities, when, in 1841, Mr. John M. Bates, a citizen of Greene county, and formerly a member of the Legislature, published a pamphlet of about seventy pages, stating facts, and reviewing the opinions of Chief Justice Collier and Associate Justice Ormond, in the case decided at June Term, 1841, of the Supreme Court, wherein the Bank of the State of Alabama was plaintiff, and John M. Bates and others were defendants in the Court below, which they brought up by writ of error. As considerable litigation grew out of the advances made by the Bank, in 1838 and 1839, on the

pledge of cotton, and on contracts for the delivery of cotton, to enable the Bank to obtain specie funds, it is deemed proper to notice the case as made out by the appeal of Mr. Bates to the public, to impair the influence of the majority of the Supreme Court. Judge Goldthwaite, having delivered a dissenting opinion, was not included in the harsh criticism indulged by the reviewer.

On the 29th August, 1838, the Directors of the Bank adopted a series of rules and regulations, of which the following is a copy:

The Board of Directors, being desirous of placing the Bank in a situation to resume specie payments as early as possible, and to maintain the character and value of its paper, and in order to accomplish these two important and desirable objects, she must be provided with a suitable proportion of specie and exchange funds, will make advances on cotton under the following rules and regulations:

1. The receipt of the warehouse keeper, or the agent of the Bank at Mobile, or other satisfactory voucher, shall be submitted to the committee hereafter appointed under the provisions of the 8th section.

2. The cotton shall only be shipped to the agents for the Bank at Liverpool, New York, New Orleans, or Mobile.

3. All cotton advanced on will be shipped by the Bank, for account and risk of the party to whom the advance is made; and the Bank will in no case be accountable for losses, etc., except arising from neglect or mismanagement of its own agents.

4. All expenses of freights, commissions, insurance, etc., shall be paid by the party for whose account and risk the cotton is shipped. The shipper may fix the price and the time at which he desires the cotton to be sold, but that limit, as to price and time, must terminate at the expiration of four months from the time of its arrival in a foreign port, at which time the sales must be closed.

5. From the time the proceeds of any cotton coming into the hands of the agents of the Bank, or is deposited to its credit in any corresponding bank, the amount of net proceeds, with interest at the rate of six per cent. per annum, shall be allowed to the credit of the note or bill which may have been given for the amount of said advance.

6. Any person obtaining an advance on cotton as above, shall give his bill, payable at not exceeding nine months, for the amount advanced, secured by two good and sufficient indorsers.

7. In the event the net proceeds of the cotton be more than the amount advanced, the bank shall refund; if less, the party so indebted to the Bank may settle the deficiency by a good bill, not having longer to run than the 15th of February thereafter, provided the same be offered twenty days before the maturity of the bill first given for the amount advanced, and no advance shall exceed twenty-five per cent. above the actual value of the cotton at the time it is received by the Bank.

8. A committee of five (the President or Cashier being one) shall be appointed, which committee shall have power to pass on any paper offered under this arrangement. [Messrs. John Marrast, Joel White, Robert Jemison, Jr., and James Hogan, were appointed the committee.]

9. The Bank shall, for the mutual safety of itself and the party for whose account and risk it ships, have the right of insuring all cotton it may ship, and in the event of loss, the insurance money, when received, shall be placed to the credit of the bill given for the advance on any cotton thus lost.

10. All the exchange existing at the time the cotton is sold, between the United States and Liverpool, for cotton sold there, if any, shall enure to the account of the shipper, the Bank retaining one and a half per cent. only for the transaction.

11. The Bank will appoint an agent here for the purpose of receiving, sampling, marking and shipping cotton to the agent at Mobile, and that he be allowed twelve and a half cents per bale for such service.

12. The adoption of the above regulations will not be so construed as to forbid advances being made before the delivery of the cotton, but in cases where the citizen is in danger of having his property sacrificed, on his giving satisfactory paper and evidence of solvency, the Bank will, under the foregoing regulation, purchase bills of exchange on New York, having not longer than the first day of February to run, provided the drawer will execute his written pledge to deliver a warehouse receipt, or the receipt of its agent in Mobile, by the 15th day of January next, a sufficient quantity of cotton to cover said bill, to be shipped to our agent in Liverpool, New York or New Orleans. The drawer of the bill shall have the privilege, after delivering the cotton to our agent, of taking up the bill payable in New York with one payable in Mobile, at nine months from that time, and in case the cotton is not delivered agreeable to contract, the bill shall be forwarded to New York and protested, and the parties immediately sued.

13. That Pitcher & Ball, Esqs., our agents in Mobile for receiving and shipping cotton, be furnished with a copy of the foregoing regulations, and that they be authorized (until otherwise instructed) to receive cotton on account of this Bank for shipment to Liverpool, and that they transmit to this Bank the number of bales, marks, weights, classification, and valuation of such lots or parcels of cotton, and on such report and receipt, the shipper will receive his advance here, according to the foregoing regulations.

14. That Messrs. Fontaine & Prince are appointed the agents of this Bank at Liverpool; Messrs. William & Robert Kelly, at New York; Messrs. Pitcher & Ball, at Mobile, and Messrs. Marr, Brown & Co., at New Orleans.

WHEREAS, Different opinions are entertained as to the intention of this Bank, in the 10th section of the Cotton Regulations, be it, therefore,

*Resolved*, That in all cases of shipment, whether to New York, New Orleans, or Liverpool, or elsewhere beyond the limits of the State, that the difference of exchange shall inure to the planter, except the per cent. retained by the Bank for the transaction, and that the same be reduced so as in no case to exceed one per cent.

Extract from the Minutes.

E. F. COMEGYS, Cashier.

The transaction which connected Mr. Bates with the Bank, and which was the basis of the suit against him and Bryan Hines, his second indorser, who were both sued in the Circuit Court of Greene county, is thus described in the record:

BANK OF THE STATE OF ALABAMA, }  
TUSKALOOSA, May 1, 1839. }

The President and Directors of the Bank of the State of Alabama have advanced John M. Bates, of Greene county, seventy-nine thousand six hundred and thirty-two dollars and seventy-five cents, on one thousand and twenty-two bales of cotton, agreeable to the regulations adopted at a meeting of the Board of Directors on the 29th August, 1838; which cotton is to be shipped to Messrs. Fontaine & Prince, of Liverpool, who are the agents of this Bank. Said cotton is to be sold for the benefit of said John M. Bates, and the proceeds are to be placed to the credit of this Bank, in Liverpool, England.

MAJOR COOK, Agent.

To secure the amount advanced, Mr. Bates executed fifteen bills of exchange for \$5,000 each, and one for \$4,632 75, amounting in all to \$79,632 75, indorsed by Frederick C. Ellis, since deceased, and by Bryan Hines, and delivered said bills of exchange to the said Major Cook, Agent, in the city of Mobile, who delivered the same to the plaintiff.

The plea filed by the defendants in the Court below, by their counsel, Messrs. Peck & Clark, and Vandegriff & Steele & Metcalf, is very elaborate, and intended to show that the Bank had violated the 20th section of the act of incorporation which says: "The said Bank shall not deal in articles of goods, wares, or merchandize, in any manner, whatever, unless it be to secure a debt due the said Bank, incurred by the regular transactions of the same, as is provided for in this act."

By the 40th section of the charter of the Bank, it is declared: "It shall not be lawful for the President and Directors of said Bank to purchase or discount any draft or bill of exchange for a larger sum than five thousand dollars, and on every draft or bill of exchange purchased or discounted by the said Bank, there shall be at least two responsible indorsers, each of which shall be considered good for the amount of such draft or bill: Priveded," etc.

On this latter point Judge Ormond says:

It is very clear that the directions contained in this section can not be evaded by the Directors of the Bank, by splitting up a large loan of money into fragments, and taking several bills from the same parties for the whole amount. Considering this transaction, for the present, as a loan of money, secured by bills of exchange, we are very clear that if it is not within the letter, it is within the spirit of the prohibition. It cannot be disguised that the loan of money, though divided into small sums, is a single transaction, and is, in effect, a loan to the same individual, of the enormous sum of near eighty thousand dollars; thus producing the very result which it was the design of this change to guard against. This being the character of the transaction, what are the legal consequences attending it?

The counsel for the plaintiff in error maintains that the contract is void, in consequence of this violation of the charter, and that no recovery can be had on either of the bills of exchange.

The Judge then proceeds to the citation of authorities showing that this and similar clauses, by established rules of construction, "are merely *directory* to the officers of the corporation, and their observance not necessary to the validity of contracts made in reference to them."

He adds:

It was doubtless expected by the Legislature, that its commands would be obeyed by its agents; but it is impossible to suppose that it was contemplated as the result of a regulation intended to protect the public against loss, that if, by collusion with the Directors—or, as was doubtless the fact in this case, by an honest mistake on the part of the Directors—an individual could succeed in getting, on a bill of exchange, a larger sum than the charter allowed, that the same regulation would protect him against paying it. Whatever may be the liability of the Directors in such a case, nothing can be clearer to our minds than that the borrower must refund the money. Any other construction would place the entire capital of the Bank at the mercy of a venal directory and profligate borrowers.

We might advert to other portions of the charter which are also directory to the officers of the Bank, and having the same object in view, the protection of the capital of the Bank; but among them all none is more clearly directory than this, or more unequivocal in its character.

The Court is, therefore, unanimous in the opinion that this clause of the charter is *directory merely*; and that, if it be disregarded, no one, a party to its violation, can take advantage of it.

The main question was then taken up, in reference to the transaction, whether it was a dealing by the Bank in "articles of goods, wares, or merchandise," within the prohibition of the 20th fundamental law of the Bank. Of this the Judge says:

The design of the Legislature in the prohibitions we are considering, was possibly to protect the State from improvident contracts, by dealing in merchandise for which such an institution could not be well qualified, when brought in contact with the shrewdness and sagacity which characterizes individual enterprise. But the main and evident design was to protect the citizen against the overwhelming influence of such a large capital coming into contact with the citizen in the ordinary pursuits of trade and commerce, and to prevent the fluctuations and convulsions to which trade and commerce would be subjected, by the employment of such a large capital in the usual pursuits of our enterprising population.

This being the design, the phrase to *deal in* evidently means to *buy and sell for the purpose of gain*; or it might, without any strained construction, be construed to mean the taking or receiving of goods, wares or merchandise, to be sold for the owner for a profit or commission. The interdict of the clause would therefore embrace not only the mercantile pursuit of buying and selling goods, wares and merchandise for gain, but would also include the sale of merchandise for and on account of the owner—or what is commonly called a brokerage or commission business. There can be no doubt that cotton is merchandise, within the meaning of the prohibition, and that all chattels which may be subjects of commerce are also included.

In another place he says:

It now remains to inquire, What is the nature of the transaction recited in the plea? Is it a purchase of cotton, for the purpose of sale? Or, is it a receipt of cotton by the Bank, to sell on commission, for and on account of the owner? Or, was it a loan or advance of money for which the borrower was undoubtedly responsible, with an authority to sell the cotton for the payment of the debt?

These inquiries are to be answered by an examination of the "Rules and Regulations of the Bank," recited in the plea. These constitute, in fact, the contract between the parties. They are propositions made by the Bank, and promulgated, of the terms on which it was willing to lend its money, which, when acceded to, and executed by a compliance with its terms, became obligatory on both parties.

The opinion of Judge Ormond covers fourteen pages of Mr. Bates' pamphlet, from which it would be instructive to quote more liberally, as explaining the whole case; but the concluding portion must suffice:

We have been admonished by the counsel for the plaintiff in error, that, notwithstanding the State is the party interested as defendant, on this record, the true interest of the people will be promoted by declaring the contract void.

It required no admonition to impress us with the conviction that the high trust reposed in us by the people, imperiously demanded of us to preserve pure the fountains of justice. Nor will we profess an insensibility which we do not feel to the approbation of the enlightened and virtuous; although all experience shows that such is not always the meed of upright conduct. Our station imposes on us the necessity of deciding the cases brought before us according to our opinion of the law; it is a duty which we can not avoid. If left to our own choice, it is not probable we would have selected this question for adjudication; and as, in our

judgment, the law is for the State, such must be our decision, be the consequences to us what they may, and although the judgment may subject us to the imputation of the bias which the argument of counsel supposes.

Something was said in the argument of the morality of this defense. On the one hand, the defendants were considered as public benefactors, resisting an unlawful claim, and, on the other as setting up an unjust defense.

How far the defendants may be bound, in honor or conscience, to refund money received by them on a contract which they have voluntarily entered into, and of which they have had the benefit, is a question which they have the right to settle for themselves. Such considerations can exert no influence on this Court.

It remains but to add, that there is no error in the judgment of the Court below, and it is, therefore, affirmed.

The separate opinion of Chief Justice COLLIER is then given in the pamphlet, extending to 16 pages. It concurs in the judgment pronounced by his Associate Ormond, but assigns at considerable length, and with the support of many authorities, the reasons which influenced his decision. The act to establish the State Bank was passed in 1823, the preamble recites: "Whereas it is deemed highly important for the safe and profitable investment of such public funds as may now, or hereafter, be in the possession of the State, and to secure to the community the benefits, as far as may be, of an extended and undepreciating currency. Be it therefore enacted," etc. One passage from the opinion is selected for its historical value in relation to the Bank charters:

If a solicitude, in 1823, to prevent the Bank from enhancing the products and other property of the country, induced the insertion of the 20th section, it is wonderful to contemplate the change the public mind underwent in 1832, when the first Bank was established, and during the intervening period up to 1835, when the last Bank charter was enacted. Even up to the latter period, when the country had become pressed down by debt, incurred in consequence of the facility with which money was obtained upon loan, the demand was loud for an increase of banking capital. It was said, that such was the disproportion between the issues of the banks and the staple of the country, that the planter could not sell his cotton at home for a price which the foreign market justified. The fashionable expression was, "our banking capital should be increased, that the resources of the State may be developed!" I mention these things merely to show that the legislation of this State in regard to Banks has never been directed with a view to depress prices, or to check the most active speculation in the products of the soil.

The opinion of Judge Goldthwaite, in which he gives his reasons for dissenting from the majority of the Court, takes up four pages, in which he maintains that, by the contract, the cotton was so fully placed under the *control* of the Bank that if Mr. Bates had paid the bills at maturity, he would not have had the power, *if the contract was legal*, to withdraw the cotton. Hence it results that if cotton is a *commodity*, or article of *merchandise*, there was such a *dealing* by the Bank as came within the prohibition of the charter, and rendered the contract void as to the cotton itself, but not so as to discharge the liabilities of the borrowers, either at the suit of the State, or of the Bank, in another form of action, for the money

advanced. The distinction seems to have afforded no substantial relief to Mr. Bates and his indorser; yet the pamphlet was the consequence—arraigning the majority of the Court for *oppression, injustice, and partiality*. Judge Goldthwaite intimates another remedy to prevent loss to the State. He says:

So long as they, [the Directors] confine their action, with regard to the funds of the Bank and its proper business, a discretion is confided to them; but there are certain directions and prohibitions to which, as agents, they are bound to conform their action; and, if they overstep the boundary of their powers, and illegally dispose of the funds committed to their care, they are doubtless liable for any losses which may occur in consequence of their violation of the charter.

In justice to the Directors, however, a preceding paragraph from the opinion of Judge Goldthwaite will close the quotation:

In common with the other members of this court, I entertain not the least doubt but that the Directors of the Bank, who sanctioned this transaction, were influenced by a most earnest desire to advance the true interests of the institution and the State at large; but the purity of intention can not legalize an act which the charter expressly prohibits.

Then follows the "review," prepared by Mr. Bates, embracing twenty-six pages of the pamphlet, with a severity which is perhaps without a parallel in the history of judicial administrations. He claims that this assault on the integrity, or the intellect, or the intelligence of a majority of the Court, is justified by the analysis which he has given of the whole case, as shown by the pleadings and the record. As he has exhibited facts outside of the record which induced him to engage in speculation, through the aid of the Bank, and which relate to the disastrous results to cotton shippers in 1839, the following extract from the statement is submitted for the information it contains, applicable to a noted period of commercial revulsion in the United States and in Europe. Mr. Bates says:

I would have preferred to postpone a public statement of the facts connected with this cotton transaction until the termination of all the suits; but as the Judges have questioned my *honor*, and *arraigned my conscience*, I will, in self-justification, then, say something relating to these cotton operations.

The growth of cotton in the United States, in the year 1838, was about 500,000 bales short of the preceding year. The prosperity of the manufacturing interests in Europe up to the beginning of the year 1839, was unprecedented. So great was the demand for the raw material, that it rose in value, from the 1st of December, 1838, to the 1st of March, 1839,  $1\frac{1}{2}$  to  $1\frac{3}{4}$ d, or about 3 cents, per pound, and that rise in price was effected at the close of the receipts of the largest crop of cotton that had ever been grown in America, and without any certainty that the succeeding crop would be materially deficient. At this time, it was known here, that the crop just coming forward would be greatly deficient.

These were the facts that would in their nature produce speculation in this country. We have at this moment the same speculative mania as regards flour, in anticipation of short crops of grain in England, and some parts of the continent. Flour has gone up in this country forty per cent. within six weeks, owing to the above-mentioned cause. As we who live in the cotton region arrive first,

with some accuracy, at the amount of cotton raised, and as it was known in January, February, and March, in this country, that the crop would be far short of the preceding, that circumstance, together with the unexampled prosperity of the manufacturing interests in Europe, induced persons who were in the habit of dealing in that article, to extend their operations. I, with a multitude of others as honest as these Judges, was, at the time, induced by the foregoing reasons, to embark in the business to an extent (whether prudent or not, should be a matter of no concern to them) which proved disastrous, as events turned out. In shipping cotton, under the expectation of a rise from the circumstance of a deficiency in the supply, the person who takes the venture always selects a shipper who will agree, and is supposed to be able, to hold it in the market the longest.

In the month of March, 1839, the agent of the Bank found me in the city of Mobile, or, as Judge Collier supposes, I found the agent. He, referring to the printed rules of the Bank, agrees to hold the cotton shipped by her four months after arrival in a foreign port, equal to six months from the date of the contract, if the cotton is shipped to Liverpool, giving two weeks to load the vessel, and six weeks to sail. This would be an advantage of six weeks in time over those persons who made a business of shipping for others. This induced me to embrace the opportunity of shipping through the agency of the Bank.

Some weeks after I had closed my shipments, an unprecedented state of depression upon the mercantile interest of England, and especially the manufacturing interests, took place. Many manufactories stopped entirely, while all of them stopped partially, their operations. The price of cotton consequently began to give way, until it receded from 9½d (19 cents) to 6d (12 cents) for fair cottons. It became manifest before any cotton was sold that there must be a heavy loss to the shippers; therefore, in the month of August, or early in September, (before, however, we had received any account of sales) I proposed to the Bank to make them perfectly safe in the sum of \$30,000, which would about cover my estate, provided they would give me a reasonable time to pay it, and release me from liabilities as to others with whom I had shipped jointly. The Bank refused this proposition, and I had to await events. In the meantime, believing that my only chance for safety was in holding up the cotton the time specified in the contract, no steamer crossed the Atlantic without a communication from me *requiring* the cotton to be held. By and by, I received a letter from the Bank agent, stating that part of my cotton was sold, and portions of all shipments had shared the same fate, although the four months had not elapsed by many weeks; although the Bank agent did not directly inform me that the sales were forced to meet the necessities of the Bank, yet I inferred it from the fact that he had sold the cotton in the teeth of my repeated and urgent entreaties to hold it the time specified by her agreement. My *obligation* to the Bank, which I had previously felt, and which I had attempted to arrange by mortgaging my entire estate, was very much weakened.

I then began, for the first time, to examine whether the Bank was able to hold the cotton, as stipulated; and the more I examined, the stronger I was convinced, that the Bank had used deception towards those persons for whom she had shipped, and, in order to maintain an early resumption of specie payments, had thrown *us* shippers in the breach. I therefore felt absolved from all *moral or legal* obligation to pay them; and I so informed a distinguished member of the Board, long before suits were brought. The said member took no pains to undeceive me, if I was deceived as to the cotton being sold too soon; but doubted whether it would avail me in law, unless I could establish the fact that cotton rose in price subsequent to the sale, and before the end of the four months.

The Bank at last brings suits upon the bills—all the bills—without giving me any credit for the sum the cotton brought. What course, then, should my counsel have pursued in defending my rights? In the suit decided by the Supreme Court I had shipped 1,022 bags of cotton, and the Bank had advanced me \$79,000 upon it, and I had given them sixteen bills of exchange. Now, the cotton sold for something, and they have given me no credit for it, but have sued me upon all the sixteen bills. My attorney states in the plea that these bills were given to secure reclamations, should there be any, after the cotton was sold. But the Bank sues me, and holds me bound, giving me no credit for the cotton. I ask these Judges

to show the immorality or impropriety of the plea, after the Bank attempts to hold me responsible for *all the bills*—giving me no credit for the cotton—especially when the credits were in her possession, and not in mine. Can I get a fair trial under these circumstances? Should a cotton shipper, after receiving account of sales for one of his customers, find that he had advanced more money than the cotton sold for in a foreign port, sue his customer for the entire amount of money advanced, it would be precisely what the State Bank has done to me.

I am willing, and always have been, to go before a jury of impartial and intelligent men, upon the contract, *the merits of the case*; and if such jury, after examining all the circumstances of the breach of the contract on the part of the Bank, would say that I was, either legally or morally, bound to pay the Bank, I will spend the balance of my life in working to pay them. But the Bank has no intention, if they can prevent it, that I shall have a fair trial *on the contract*. I must have sixteen suits brought against me, although eight or ten of the bills are confessedly paid by the proceeds of the cotton. I must be sued on all the bills, and keep the contract, as well as the cotton, out of sight; and the Supreme Court must be invoked to run into every degree of absurdity, to sustain the people's Bank.

I have felt it incumbent on me to make this statement, because the Judges have traveled out of their way, to impugn my *honor* and talk about my *conscience*.

Believing that this case, from the record, and from the facts outside of the record—the large financial operations involved, the earnestness of the argument, and, above all, the extraordinary treatment of a majority of the Court—would interest the public, these copious extracts have been made. Without imputing to Mr. Bates any unfair design by the omission, the fact may be supplied here, well known to the legal profession, that in declaring on a promissory note or bill of exchange in the Courts, it is not usual to notice the credits or partial payments which are even indorsed upon the instrument. These are not necessary to appear from the plaintiff. In the defense, these credits and payments, and all other matters admissible in law, are given in evidence on the trial before the jury, to prevent, or to reduce the recovery. The system of special pleading adopted in Alabama produced certain issues in law, which the Court below decided against Mr. Bates, and on writ of error to the Supreme Court that judgment was affirmed, which disposed of the case before it reached a proper *status* for the jury. If all the bills were run into judgments, and executions issued, it is a mere nominal advantage to the Bank which it would not presume to enforce. No doubt an arrangement of this whole matter has since been made, at a great sacrifice by the Bank; for it is stated in the report of the Commissioners to examine the State Bank, in 1845, that the sum of \$71,339 was then due the Bank, which was partially secured by a mortgage on land and slaves in Greene county, supposed to be worth about \$20,000. This is the debt in question, and is, perhaps, the very best that Messrs. Bates and Hines, under the circumstances, were able to make for the Bank. Let no imputation be cast on the integrity of any one in this whole proceeding. It is here noticed as an item of commercial history in a past generation, with a lesson to be remembered,

From the report of the Bank Commissioners referred to, it is ascertained that the State Bank, under the rules and regulations which it published in 1838, made—

|                                    |              |
|------------------------------------|--------------|
| Total advances on cotton.....      | \$589,403 45 |
| Proceeds applied by the Bank.....  | 319,033 07   |
|                                    | \$270,370 38 |
| Balance due on cotton account..... | \$270,370 38 |

It is believed that this balance has not been materially diminished, owing to the insolvency of parties, and that it may be included among the losses sustained by the Bank on a mistaken policy.

The appeal of Mr. Bates to the public was an elaborate performance. He selected certain expressions of the Judges, and by contrasting them with the facts and with other expressions, turned them into *nonsense*, or *absurdity*, as it suited his purpose. While this attack on the majority of the Court, and all other attacks on high judicial magistrates, can receive no favor from impartial minds, the closing portion of Mr. Bates' pamphlet is subjoined, as a specimen of indignity which it is hoped will never be again offered to a tribunal so deeply established in the public confidence, and so entitled to veneration and respect as the Supreme Court of Alabama. Feeling himself injured, perhaps ruined, by the decision of the Court, allowance should be made for the temper of Mr. Bates, when he says:

In conclusion, I appeal to the discreet and to the candid, if I have used toward these Judges an undeserving epithet, or have been unnecessarily harsh. As they have made an insinuation, in the conclusion of their opinion, about my *honor and conscience*—uncalled for, undignified, and cruel in the extreme—may I not say a word or two, in inquiry, to see how it is as to their consciences? Well, then, they are placed on the highest judicial bench in the State, and take a solemn oath to decide all causes according to law. To them, all appeals are had to settle the law of the country. They are supposed to be impartial—to mete out justice to the most lowly, equal to the greatest in the land, with an eye fixed steadily upon a proper exposition of the law, let the consequences to individuals, to corporations, or to the State, be what they may. We look for all this from our Supreme Court. Instead of it, what do we find in the decision of the State Bank against myself? I might recapitulate the absurdities into which they have fallen, but it is unnecessary. I now leave for others to judge the motive which influenced them; it is beyond my ken.

It is said of Jeffries, the vilest and most corrupt of the English judges, that he was impartial when the King was not a party, or his prerogative was not in question. But did ever Jeffries make so unjust a decision? Suppose my life, instead of my property, had depended on the decision, and this special plea placed in the hands of the people, would they have justified it, and witnessed patiently my execution? Had my life depended on a decision, whether or not this was a dealing in cotton, "in any manner whatever," no sophistry could have exculpated these Judges from taking rank with Jeffries and Bonner. Had my life depended on a decision, whether the \$79,000 was received on the bills of exchange, or upon the 1,022 bags of cotton, Jeffries and Bonner would be considered saints, compared with Collier and Ormond.

It was evidently the desire and intention of Mr. Bates in thus coming before the community, to have a kind of public revenge, by impairing the official character and influence of the Judges selected by him as a target. But in this he signally failed, as in the succeeding year they were both reelected to their high offices without even the shadow of opposition, or of complaint. That was an ample and sufficient vindication from the charges of improper conduct, which Mr. Bates had published. Chief Justice Collier was afterward elected Governor of the State, almost by acclamation, and Judge Ormond continued in office until he resigned, about the 1st of January, 1848. He then resumed the practice of the law, at Tuscaloosa, where he died in 1865.

Now that his presence is no more seen among men, and he is alike insensible to flattery or censure in the grave, truth and justice to an excellent citizen, and a pure and upright member of the highest tribunal known to the State, require that Judge Ormond should be ranked with the very foremost in all the essentials of a lofty and dignified nature. He was modest and somewhat retiring in his disposition, and never made any parade of his extensive learning, and refined literary taste. It required a close acquaintance with him, even for years, to find out his sterling qualities. The more one knew of him, the more esteem did he inspire. He was truly a Christian gentleman, in the highest sense of the term, and was, for many years, and up to his death, an exemplary member of the Methodist Episcopal Church, always ready with his purse and example to support the ministry, and to aid in all benevolent enterprises. His memory, without a blemish, is dear to his friends, and to the people of Alabama, whom he faithfully served in the halls of legislation, and on the Bench of the Supreme Court, for a long period.

## CHAPTER XVII.

*Measures of Reform at the Session of 1842—Personal Sketches.*

The two Houses adjourned on the 15th day of February, 1843, after a laborious session of seventy-five days, leaving the execution of the important measures adopted, in the hands of the Executive, who, supported in his policy thus far, was encouraged to go forward in the work of reform. The people generally were pleased with the action of the Legislature; the more so as they felt assured the reforms would be carried out to the full measure of practical results, by Gov. Fitzpatrick, who had become fully recognized in popular favor as the sound economist, and head of this movement.

Alabama money had been at twenty per cent. discount, which operated oppressively upon all classes of the people, and especially on those who were seeking homes on the Government lands, as was particularly the case in the territory embraced in Cherokee, DeKalb, and Marshall counties, lately acquired from the Cherokee Indians. A joint resolution had been passed, proposing, on the part of the Legislature, to the Government at Washington, that the State would receive from the General Government, in payment of its portion of the proceeds of the public lands in Alabama, (known as the Two and Three Per Cent. Fund,) the bills of the Bank of the State and Branches, if the Government would receive from the people of the State said bills in payment for their homesteads. This was agreed to and carried out, and proved to be a measure of great relief to the people. To Col. Thomas B. Cooper, of Cherokee, belongs the credit of originating and carrying this proposition through the Legislature—his constituents being largely interested in it. In Congress, it received the special support of Hon. Reuben Chapman, then a member of that body, and representing the territory more immediately interested; but all the delegation favored it.

Under the active, practical direction of Gov. Fitzpatrick, the work of winding up the Banks was prosecuted with proper regard to the laws. One of the requirements of the act was, that the bills and blank impressions on hand were to be counted, registered, and destroyed, by burning, by the President and Directors of the State Bank, under the supervision of the Governor and Secretary of State. This was no small job, and engaged weeks of counting,

registering, and burning, to do away with the vast piles of *money*(?) which, it was said, was being burned up every day at the Banking House. Last of all, the plates upon which the bills had been printed, were brought out of the vaults, carried to the smith's shop, heated and cut to pieces, signifying the determination of the Legislature to abandon the whole system.

The change in the State's policy was submitted to by the people, with more or less cheerfulness, though the year 1843 was what is usually termed a *hard* one. Cotton was low, property of all kinds was low, and money scarce. For the first time in many years, the State assessors called the people together to give in their taxable property. But there was one advantage to the people, under the practical operation of the measures of legislation. The bills of the Bank began to appreciate, and continued to do so until, at no distant day, they approximated a par value, and in all ordinary transactions were taken without discount.

It has been already intimated that this Legislature was remarkable for the character of its members, and for the importance of the work they performed, which constitutes an *epoch* in the financial history of the State. Many gentlemen who took a leading part in the progress of the session, have been elsewhere noticed in this work. A list of all the members has been given, some of whom it remains still to notice specially, beginning with the Senate.

DR. SAMUEL C. DAILEY was elected to the Senate from Tallapoosa and Macon, in 1840, and served a full term, after which his connection with public life in Alabama ceased. He removed to Texas several years ago, but returned, if I mistake not, his trial of that country not having been satisfactory. He was faithful and conscientious in his Senatorial course, participated freely in the proceedings and debates, but was generally unsuccessful in his measures. This, however, should not be set down against him, as every person knows, who has been connected with such bodies, that the measures *adopted* at a session bear no proportion to the number *rejected*. Dr. Dailey was a Democrat of conservative views, and, as a man and Christian, he bore an elevated character for the correctness of his deportment and the honesty of his purposes.

Major WILLIAM FLEMING, of Madison, resumed, at this session, a seat in the Senate, which he had previously occupied for many years, and before his first election to that end of the Capitol, he had for several sessions served the people of Madison in the House of Representatives. He continued, with occasional intervals, to occupy a seat in one or the other branch of the

Legislature until the close of the session of 1862, and with the intermissions, his public life extended through a period of over thirty years, which proves that he had a strong hold upon the confidence of the people of his county. He was a Virginian by birth and education, and he long enjoyed the society and companionship of gentlemen in the higher walks of life. He took an active part in the business of legislation, but was wanting, to some extent, in the gift of a good delivery in speaking; his voice, too, was harsh. These things discouraged him in parliamentary efforts. His social habits were well established and cultivated, and to these he paid good attention, so that he made comparatively but little progress in developing the attainments of a legislator. He was a Democrat, and died about the close of the war.

JAMES E. REESE, of Chambers, succeeded to the seat occupied for three years by his brother, George Reese, who has been noticed in another part of this work. The brothers differed in politics—the ex-Senator being a Democrat, and the sitting member a Whig—the one a planter, the other a lawyer—but both were favored by nature with respectable endowments, physical and mental. After serving out his term, Mr. James Reese was not again connected with public life, but pursued the practice of the law in Chambers, where he still resides.

Mr. Reese had a prepossessing face, and very courteous manners. He was very neat in his person, and always appeared so genteel that he could have entered at any time a saloon of fashionably dressed ladies, with credit to his taste. He looked as if the world went smoothly with him. No traces of dejection or care could be perceived in the expression of his features. When addressing the Senate, he was calm, fluent, and in every respect an agreeable speaker. His arguments were always listened to with respect, and his influence was felt, though he belonged to the political minority in the Senate. Had his ambition been equal to his merits, and to the suavity of his deportment, he would probably have made a more conspicuous figure before the public. There is no spot or blemish in his short legislative record.

HUGH M. ROGERS, of Lawrence, was for several years a Representative, and now concluded a Senatorial term of three years. He afterwards removed to Mississippi. His abilities were of a very ordinary grade, and he made no mark in the Legislature beyond voting. But at the close of his career, he did that which was derogatory to the character of any man, much less an honorable Senator, representing a high-toned constituency. He borrowed from several members of the two Houses, and others

occupying official positions, various sums of money, from ten to seventy-five dollars, saying he did not wish to draw his pay yet, but would do so before long, and return it. In this way he pocketed several hundred dollars—no gentleman from whom he borrowed knowing the extent of his operations. When the truth was found out, he had drawn his pay from the Treasury every week; and now, to get away from the Seat of Government, he went on to a general “bender” a few days before the adjournment, and continued so much intoxicated, that his colleagues actually hauled him off in a state of stupidity. Of course this ended his public life in Alabama. His constituents disapproved and denounced his conduct, but it is not likely they knew the extent of his operations “on loan.”

I mention these facts in no spirit of unkindness to Mr. Rodgers, if living, or to his memory, if dead. But he was a public man, and used his public position to betray the confidence of his fellow-members, and it is only just that the affair should be chronicled, as evidence of the character of one of the men who occupied a seat in the Legislature in those days.

COL. RICHARD B. WALTHALL, of Perry, was born in Amelia county, Virginia, in 1793. When about eight years of age, he accompanied his father, who settled near Franklin, in the Middle District of Tennessee. He was educated at Cumberland College, and removed from Giles county to Alabama in 1819, remaining one year in Tuskalooza; and thence he removed to Perry county, where he resided until his death, which took place at Blount Springs, July 30, 1849.

Col. Walthall was a planter of large means, and of great intellectual capacity. He was for many years before 1842 in one or the other branch of the Legislature, but he had for a while retired. He belonged to the State Rights school of politicians, and somewhat stood aloof from either political party, Democratic or Whig, until about the year 1837 he became fully reinstated into Democratic favor, under the leadership of Mr. Calhoun nationally, and of the Hon. Dixon H. Lewis at home. Entering the Senate in 1842, he served a term of three years, and in 1845, his reelection was defeated by J. F. Cocke, Esq., his Whig competitor.

In 1848, Col. Walthall was an Elector for the State at large on the Democratic ticket, and aided in carrying the vote of Alabama for Gen. Cass for President, and Gen. W. O. Butler, of Kentucky, for Vice-President of the United States. His health had been declining for a long time, and he lived but a year after casting his vote as Elector. It is due to his memory to remark here, that his abilities were of a solid and practical order in legislation. He was a very prominent and influential member, his counsels much

trusted while he served. In public and in private life, he always maintained a high character for integrity. He was a leading man in his day, and has left in the community in which he long resided, and on the legislative records of the State, the impress of a sound judgment, pure patriotism, and spotless honor.

DR. JOHN WATKINS, of Monroe, was returned to the Senate at this session, where he served his term of three years. He was a native of Virginia, where he received his education, but settled in Alabama when it was in a Territorial condition. He was a delegate from Monroe to the Convention which met at Huntsville in 1819, to form a Constitution preparatory to the admission of the State into the Union, and contributed no little of his enlightened counsel to the completion of that instrument. He was afterward, several times, a member of the Legislature when great questions of public concern engaged attention.

The importance of the question relating to the banks and currency, and the public credit, brought him forward in 1842; and although a Democrat, he was elected on a strong party majority. At this and the two succeeding sessions, he rendered the State good service by the wisdom of his counsels, and his calm, patient manner of investigating the various subjects of public concern before the Senate. His manner in discussion was simple, clear and pointed. He seldom occupied the floor more than ten minutes, and marched up directly to the point under consideration.

In his bearing, Dr. Watkins was gentle, unpretending and dignified. Possessing the advantages of much reading and culture, and an easy, pleasant style of conversation, his society was sought, and his influence great, in legislative and social circles. Coming down from the first days of the State, in laying the foundations of which he actively participated, it is not surprising that his high character for intelligence and statesmanship should be looked to, and his counsels regarded with favor. This session (1842) ended his public course. He was fond of private life, with its leisure for reading, for which he had quite a passion; and then, too, he preferred exemption from the responsibility of exercising delegated powers. He was a physician of ripe attainments, in which capacity, and as a citizen, he exerted a salutary influence upon the people of his vicinity.

BURR W. WILSON, of Fayette, concluded at this session a course of some ten years in the Senate, without intermission. He remained in private life until 1861, when he was elected a delegate to the Convention which passed the Ordinance of Secession, against which he voted as a Union man. He was afterward, in 1865,

elected a member of the Convention which framed the Constitution of that year, pursuant to the policy of President Johnson.

Mr. Wilson was a decided Democrat—was a vigilant and faithful representative in his votes, but withal very quiet and taciturn, seldom occupying the floor except to make a report from committees. He labored under an impediment of speech, which embarrassed his delivery. He yet lives in Fayette county.

#### MEMBERS OF THE HOUSE.

Having paid my respects to a number of Senators, it becomes a duty and a pleasure to give sketches of gentlemen of the House of Representatives who took part in the important session of 1842-3.

1. MILES C. ABERNATHY is a North Carolinian. He removed to Alabama, and settled in Benton (now Calhoun) county about the year 1834, and first engaged in the business of a merchant, afterward in that of planting. In 1842, he was elected to the House, but having very little taste for public employments, he resumed his rural occupations with increased energy. In 1855, he was brought forward, by the people among whom he had resided for twenty years, for the Senate, and was elected for a term of four years, after serving which he retired, and still resides in Calhoun.

Mr. Abernathy was of the class of well-educated, well-informed men of sound judgment in public affairs, and was very useful in the Legislature—cautious, prudent, and looking always to the public good, without regard to other considerations. He was justly regarded as a faithful public servant. His manners were easy, and his powers of conversation good. In politics, he is a Democrat.

2. MARION BANKS, of Tuskalossa, was a member of the House during a number of sessions, and concluded his public service in 1851. He is a native of Georgia, but was educated in the University of Alabama—was a planter, a bachelor, and a gentleman of extensive property. He was a zealous, earnest speaker, and was frank and honest as a man and politician. He was a Whig, and went politically, as the writer heard him say in 1844, in a public speech in Tuskaloosa, “for Henry Clay, my God, and my country.” This was considered by many, in those days, as a safe, trustworthy position. Major Banks belonged to that class of Southern gentlemen who were patriotic, high-toned, and honorable. He yet lives.

3. JOHN W. BRIDGES, of Wilcox, had occupied a seat in the public councils for years before my connection with the State Gov-

ernment, and came forward in 1842 with a good character for experience and ability. He took a high position in the organization of the House, being placed at the head of the Committee of Ways and Means, a responsible place, in view of the absolute necessity, then pressing, for a revenue bill to meet the expenses of the State Government, and to recover the sinking credit. For years, the people of Alabama had not been called upon to pay State taxes; the charge of paying the expenses of administering the Government, in the meantime, resting upon the Banks. It is not the purpose of the writer to consider or discuss the wisdom of such a policy; but this much may be said, that exemption from State taxation made the people less vigilant in holding their public servants to a strict account, especially in the management of the Banks. For, really, no better evidence could or need be adduced to quiet their apprehensions, than the fact that the Banks were contributing, in their management, to relieve the people of taxation, besides paying the interest on their capital, and providing, by large profits, a sum for the redemption of the loans at maturity, on which the capital was obtained.

The writer well remembers the exalted ideas he had of the scheme, upon his settlement in Alabama. The conception of a people using their credit to found and carry on a system of banking, that dispensed such benefits, and was altogether so harmless, and would work its way through all liabilities and burdens, meeting its bonds all so nice and square; why, it was my *beau-ideal* of banking, and really made a man feel proud that he lived in such a State, with such a beautiful system. But that dream had long since exploded. The crash came and exposed the inefficiency of the system, to stand the shock which its bad management and corruption had produced, and the people found out that the fiddling for the past ten years had brought upon them a heavy bill, to be estimated by millions. The theories and expedients which had been relied on, since the called session of 1837, had all failed. The people had been promised resumption of specie payments by the Banks, and plenty of money, under various pretexts; but they had all proved illusory. The frauds which, to some extent, formed the subject of legislative investigation in 1841, had opened the eyes of the people to an unwelcome truth, and the rotten system was probed to the bottom in 1842.

Gov. Fitzpatrick had come into office the year before, and his ready, practical mind soon detected the true situation, as may be seen in his message. A revenue bill was something new in Alabama; but it came before the House in due time, reported by the Chairman, Col. Bridges, and passed both Houses. After this service, he was a member of the House a number of years, his last term being in 1849. In June of that year, he presided over

the Democratic State Convention, which nominated Chief Justice Collier for the Executive. Col. Bridges desired, and *aspired* to, the Speakership, in 1849, but was not a regular candidate before the House.

Besides being a lawyer, Judge Bridges was also a planter, of large wealth, and was childless. He was ambitious of preferment and position in the Democratic party, of which he was a prominent member. He participated freely in the debates of the House. Indeed, many of his friends thought he spoke too often, and from this cause, no doubt, he failed to receive the patient attention to which so well informed a gentleman, and so agreeable a debater, might seem entitled. In person, he was stout and compact, with a good face and head, the latter somewhat bald. His hair was very white, and altogether, he was a fine-looking gentleman. His manners were plain—rather neglected. He encountered, and partially surrendered to, the same foe, in the disguise of convivial enjoyments, which has captured and destroyed so many of Alabama's cherished sons in the rounds of public life. He died many years ago.

DR. JAMES BOTHWELL, of St. Clair, served the people of that county at this session. He was an intelligent, well-read gentleman, quiet and reserved in his intercourse with men. He was a physician of good attainments, and for a long time practiced in the section about Ashville. But, like many others, he yielded to an enemy which destroyed him in the meridian of life. How many bright intellects have been quenched in darkness, and useful men taken from society and a pleasant family circle, by this fell destroyer, ardent spirits? And yet how few take warning by their fate, so as to avoid the snare into which so many thousands have been entrapped and ruined?

JOHN A. CAMPBELL, of Mobile, is a native of Georgia, and graduated with the first honors in the University of that State. His father, Col. Duncan G. Campbell, was a distinguished lawyer and party leader in Georgia, who died in 1828, in the forty-second year of his age. In 1829, an act was passed by the Georgia Legislature, of which the following is the caption:

An act to admit David J. Baily, of Butts county; Hiram Hemphill, of Lincoln county; John A. Campbell, of Wilkes county; Gray A. Chandler, of Warren county; Robert McCarthy, of Monroe county; William A. Black, of Chatham county, and Robert Toombs, of Wilkes county, to plead and practice law in the several courts of law and equity in this State.

From this special act, it appears that Mr. J. A. Campbell had not completed his twenty-first year in 1829. Soon afterward, he removed to Montgomery, Alabama, where he was at once success-

ful in his profession. Indeed, his great ability and devotion to business would have commanded public attention and patronage anywhere. In 1836, he was elected a Representative in the Legislature, and at the called session of June, 1837, he was a warm advocate of the relief measures then adopted—of borrowing five millions on the bonds of the State, and placing the amount in the State Bank and Branches, to be loaned out to those who were pressed by judgments and executions, as the preferred class of debtors, on their executing good and responsible paper, subject to curtailment and renewal, so as to make the payments with as little hardship as possible. He predicated his support of the measure on the agricultural resources of the State, from official data, showing, in his argument, that by the time the bonds became due, the people could refund the money loaned, by the sale of their crops, and the interest, in the meantime, over that accruing on the bonds, would be a gain to the State.

This method of stating the question was very plausible, and was very honestly urged. It captivated the majority in the Legislature, and was heartily approved by the people, who expected large benefits from the operation. But when the time arrived for the practical results to be ascertained, no one was more thoroughly convinced of the failure of the experiment than Mr. Campbell himself, whose able and luminous reports, as Chairman of the Bank Committee, will prove. These documents have an imperishable value, and are given at length in a preceding chapter, for general information. The space could not be better filled.

The rank to which Mr. Campbell is entitled as a debater is the very highest that can be attained in any deliberative body. In saying this, it is perhaps necessary to remark, that his manner, his voice, or the music of his periods, form no part of his great superiority over other men. These secondary, yet attractive, qualities he did not possess to any remarkable extent; but whenever he figured in debate, an atmosphere of intellect and logic seemed to invest him as a halo of distinction. His facts were stated in such a natural order and connection, that, like the summing up of a record by Chief Justice Marshall, the truth was at once eliminated for the judgment. What Mr. Wilde, of Georgia, beautifully said of Mr. Lowndes, of South Carolina, in Congress, may be justly applied to Mr. Campbell, in "that passionless, unclouded intellect which rendered him deserving of the praise—if ever man deserved it—of merely standing by, and letting reason argue for him."

It is not necessary to dwell further on the character of Mr. Campbell as a legislator. His short record is triumphant. His still higher rank as a jurist led to his appointment, in 1853, by President Pierce, of Associate Justice of the Supreme Court of the United States, which was unanimously confirmed by the Sen-

ate. In this exalted position he continued until 1861, and by his influence he sought from Mr. Seward, the Secretary of State, a hearing for the Commissioners of the Confederate States, who had visited Washington with authority and instructions, to propose an amicable adjustment, on terms of equity, of the difficulties then about to assume a belligerent aspect between the Northern and Southern States. The interview between Judge Campbell and Mr. Seward gave encouragement to the hope, so reasonably entertained at the South, that the Commissioners would be received by President Lincoln, and the whole matter fairly considered, with a view to preserve the peaceful relations of the country. Intimations had been given by Mr. Seward to Judge Campbell, that the United States garrison at Fort Sumter would be withdrawn, or that at least no attempt would be made to supply it with provisions in a defiant or insulting manner. This assurance was communicated by the mutual friend, who desired to effect an accommodation, to Messrs. Forsyth, of Alabama, Roman, of Louisiana, and Crawford, of Georgia, the Confederate Commissioners, who notified the same to their Government at Montgomery. At this particular crisis, in violation of an express or implied pledge, a steamer was dispatched by Mr. Lincoln, to provision the troops at Fort Sumter, and otherwise to strengthen the garrison for defense. This fact was notified by the Commissioners to President Davis, by telegraph, on the 10th of April, and orders were immediately issued to Gen. Beauregard which resulted in the first gun against Fort Sumter. Finding that his efforts had been in vain—that he had been trifled with by Mr. Seward, and that hostilities had commenced by the proclamation of Mr. Lincoln, of 15th April, calling for 75,000 men to bring the rebel States back to their allegiance—Judge Campbell resigned his seat on the bench of the Supreme Court, to share the fortunes of his native South, for weal or woe.

Judge Campbell was afterward appointed Assistant Secretary of War under the administration of President Davis, in which capacity he was serving his country when the Confederate armies surrendered in 1865. He then resumed the practice of the law, and now resides in New Orleans, with lucrative employment, it is hoped—for he stands at the very head of his profession. I seriously question whether his superior as a jurist is to be found in the United States. His moral character is no less elevated and pure, and in all the relations of life, he has been exemplary and upright. May happiness and prosperity attend him in all the future.

To those who are not personally intimate with Judge Campbell, he appears cold, distant, and reserved in his manners. That is the general impression, which I once shared. But I have since had better opportunities of finding out his true character, and candor

obliges me to confess that I have listened to his conversation with more pleasure and profit, than to that of any gentleman whose society it has been my privilege to enjoy. His knowledge seems universal, and minutely accurate. Taking up any subject in history—political, commercial, scientific, or literary—he gives the origin, progress, and consummation of the whole, with the clearness of statement and inference which no mind can fail to appreciate. In fact, I regard Judge Campbell as second to no man in the United States, intellectually. My reasons for this belief have, in part, been assigned, but as a further addition to them would necessarily extend this notice to a length incompatible with the brevity I desire to practice in these sketches, I must forego the attempt.

6. JAMES M. CALHOUN, of Dallas, a native of South Carolina, is a nephew of the Hon. John C. Calhoun, who has rendered the family name immortal. After reaching manhood, Mr. J. M. Calhoun removed to Alabama, and settled in Dallas county, where he married a daughter of Gov. Israel Pickens. This connection secured in his favor a large influence, which, in addition to his own talents, soon gave him a commanding position. He had studied law in Carolina, but he seems to have abandoned the legal profession to engage extensively in planting.

In 1831, Mr. Calhoun was elected a member of the House from Dallas, and probably for several years succeeding he was reelected, as my acquaintance with him began at the session of 1837, when he was then a Representative. I shall never forget how utterly disappointed I was in relation to his personal appearance. From his high name and position, I imagined him to be a gentleman very punctilious and dignified in his manners, and neat in his dress, verging on fashionable gentility, as became his rank. When I did see him, the man of flesh and blood, and not of the imagination, I found clad in a plain garb of homespun jeans, simple and unpretending in his manners, accessible to all, and pleasantly communicative.

At the session of 1837, Mr. Calhoun took an active part in the Bank and currency questions, and coöperated successfully with Judge Smith, of Madison, in the repeal of the law passed at the called session, authorizing the issue of State bonds to the amount of five millions of dollars. Like his distinguished relative, he belonged to the State Rights school of politics, and like him came into coöperation with the Democratic party upon the financial policy of Mr. Van Buren.

In 1838, Mr. Calhoun succeeded Mr. Beene, and upon the meeting of the Legislature was unanimously elected President of the Senate, over which he presided with his usual ability. At the end of the session of 1839-'40, he retired until 1842, when he

was again returned to the House. He then withdrew from Legislative service for fifteen years, and engaged more assiduously in planting.

In 1847, Mr. Calhoun was appointed, by Gov. Martin, a Commissioner on the part of Alabama, to act with James T. Archer, Esq., the Commissioner for the State of Florida, to settle the boundary line between the two States, which duty he performed in a skillful and faithful manner, thus putting permanently at rest a long mooted question, to the entire satisfaction of the General Assembly.

Mr. Calhoun was again elected to the Senate, in 1857, 1859, and 1861, and on the resignation of R. M. Patton, Esq., as presiding officer, he was again called to that position. Since then, he has been in retirement on his farm, in Dallas county, enjoying the universal respect of his fellow-citizens.

Before concluding this brief notice of a gentleman of remarkable individuality of character, it may be added that his powers in debate enabled him to present any question, stripped of false coloring, and to explain it in the true spirit of statesmanship, until conviction was apt to follow in the minds of others. He somewhat impaired his influence in the House, at the session of 1842, by being too frequently on the floor, and in opposing many local measures. His eye wandered over the entire assembly to catch what was passing, and he often made motions to lay on the table, or to refer, which gave offense in many instances, and rendered him unpopular with some of his fellow-members. For this, however, he cared not, when in the discharge of what he conceived to be a public duty.

7. CLEMENT C. CLAY, Jr., of Madison, entered the public arena for the first time, as a member of the House, at this session. He was, for awhile, a student in the University of Alabama, but, for some cause, he completed his collegiate course, it is believed, in an institution of Virginia.

Early in the session of 1842, he offered resolutions instructing our Senators and Representatives in Congress to vote for the bill refunding to Gen. Jackson the amount of the fine imposed upon him by Judge Hall, at New Orleans, in 1815, for establishing martial law in the city, under which the Judge was imprisoned by the commanding general, for discharging, on *habeas corpus*, a member of the Louisiana Legislature who had been detected in holding secret communications with the enemy, and committed to prison by Gen. Jackson. The bill was introduced in Congress by Mr. Charles Jared Ingersoll, of Pennsylvania, and passed at the session of 1843, whereby the fine of \$1,000, with interest, making, in all, about \$3,000, was refunded to the venerable hero, as a long

deferred act of justice. The speech of Mr. Clay in support of his resolutions, was a beautiful effort in style and elocution. It showed what was in him, and his long public course since has more than justified the anticipations of his friends at this early period.

An event in the life of Mr. Clay took place during this session, which may be mentioned as contributing much to his future happiness, and no doubt to his great popularity and success. In February, 1843, his marriage, with Miss Virginia Tunstall, was celebrated by a wedding party, and by preparations at the residence of Chief Justice Collier, in Tuscaloosa, which had never been equalled on any similar occasion in that city. The Rev. Thomas H. Capers officiated in the nuptial ceremony. Most of the members of the Legislature, and many citizens, were present as invited guests. The bride was the daughter of Dr. Peyton Tunstall, formerly of Virginia, and a near relative of Mrs. Collier. At another point of this narrative, I shall again refer to the *bride* as a moral heroine, after she had been more than twenty years a *wife*.

Mr. Clay was again returned to the House in 1844 and 1845, and at the last session was elected Judge of the County Court of Madison county, an office which he held until the election of that class of officers was given to the people by act of the Legislature, in 1850. In 1853, he opposed Mr. Cobb for Congress, in the Huntsville District, and was beaten by that indomitable canvasser. But higher honors awaited Mr. Clay than his competitor snatched from him by means not necessary here to characterize. At the next session of the Legislature, he was elected a Senator in Congress for a term of six years, to succeed Mr. Clemens. The circumstance is worthy of note, that Mr. Cobb defeated, before the people, two of Alabama's most gifted sons, each of whom, at the next session of the Legislature was elected to the United States Senate, viz: Mr. Clemens, in 1849, and Mr. Clay, in 1853. It is said that Mr. Cobb was proud of this fact, and exultingly pointed to the distinguished Senators whom he had beaten for a seat in the House.

Mr. Clay was continued in the Senate by reëlection, and was at all times an efficient and useful member of that body, often engaging in debate, as will appear by reference to the "Congressional Globe," where his speeches are reported. After a number of the Southern States had passed ordinances of Secession, the delegation in Congress from the Southern States withdrew from that body, as a matter of course. On this occasion, Mr. Clay delivered a speech of great power—reviewing the controversy between the North and South, and bidding his brother Senators farewell—in January, 1861.

Upon the organization of the Confederate States Government, a

few months thereafter, Mr. Clay was elected a Senator, and was a member of the first Senate forming a part of that Government, until 1863, when he was superceded by the Hon. Richard W. Walker. After his connection with the Senate ceased, he was appointed to a foreign diplomatic agency, with a colleague from Virginia.

Soon after President Lincoln was assassinated in the Washington Theatre, April 14, 1865, his successor issued a proclamation, charging that Jefferson Davis, Clement C. Clay, Jr., and three or four other gentlemen, were accessory to the murder, as aiding and abetting the same, and offering a reward of \$100,000 for the arrest and delivery of Mr. Davis, and \$25,000 each for the delivery of Mr. Clay and the other parties named. This document soon put Northern officers and soldiers on the trail of so tempting a prize, and after a week or two Mr. Davis and suite were captured in Irwin county, Georgia, and brought to Augusta, where a steamer awaited to take them to Hilton Head, not as prisoners of war, but as criminals. On seeing the proclamation, Mr. Clay reported to the military commander, and surrendered himself for an investigation of the charge, thus saving the expense and trouble of his arrest. He was taken to Augusta, and placed on the same boat with the President of the Confederate States, both of whom were confined in Fortress Monroe. For a glimpse at their captivity, the reader is referred to the "Prison Life," of Jefferson Davis, by Dr. Craven, the Federal Surgeon in charge.

Here Mrs. Clay should be introduced, for the noble part she acted in procuring the liberation of her husband, after toils and buffetings which would have crushed a less heroic and devoted woman. Interviews with the President and Secretary of War at length succeeded—after months of incarceration in a dark cell, which nearly cost him his life—in placing Mr. Clay at the disposal of his angelic wife. The scene was morally grand. Romance can furnish nothing superior to it in firmness, constancy, and affection.

Neither Mr. Davis, nor Mr. Clay, nor any one of their "so-called" confederates in crime, was ever brought to trial; nor was there any proceeding in court, or elsewhere, at the instance of the Federal Government, to establish the complicity alleged in the proclamation. It was all a fanatical movement from beginning to end, to pander to fanatical malignity, which resulted in the expenditure of large sums of money, to be paid in taxes by the people, without even a shadow of excuse for the tyranny employed as the instrument of so much wrong.

Mr. Clay, physically, is a feeble man, and from boyhood, his health has always been delicate. That he has accomplished so much, and suffered so much for his country, shows the power of

will and a determined resolution, much to his praise. He is still in the meridian of life, and resides on his plantation in Jackson county, happier, it may be, than when immersed in public employments. He is a native Alabamian.

8. THOMAS B. COOPER, of Cherokee, is, if I mistake not, a South Carolinian, and settled in Alabama about the year 1834, making Cherokee his residence, and the law his profession. He was a Whig, and the county being largely Democratic, it is very complimentary to his ability and popularity, that he should have succeeded, not only in 1842, but at various other times, over gentlemen belonging to the Democratic party. He was a member of the House in 1844, 1849, 1851, 1863-'4, and 1865-'6. In 1860, Mr. Cooper allied himself with the National Democratic party from purely patriotic motives, and was a delegate to the Charleston and Baltimore Conventions. He voted for Mr. Douglas for President, and H. V. Johnson for Vice-President.

In September, 1865, he was elected to a seat in the Convention which framed the Constitution of that year. He was elected a member of the House soon thereafter, and in the organization of the Legislature, he was chosen Speaker of the House, in which capacity he served through two sessions.

Mr. Cooper has had a long and successful course in public life, the more distinguished because he was elected by a constituency opposed to him on the political questions of the day. The secret of this success was, mainly, in the faithful manner in which he served the interests of the people, in securing every advantage possible for their obtaining homes upon the most favorable terms, an instance of which is given elsewhere in this volume. His good nature, and kind disposition toward his fellow-men, and his uniformly accommodating spirit, added no little to the advantages he possessed in his intercourse with the people. His business qualities were good, and he was active and skillful in the forms of legislation. Many of his friends kindly doubted, after his term as Speaker, if he would not have made more character on the floor than in the chair.

Mr. Cooper still resides in Cherokee, and never permits an occasion to pass without aiding in some way, by word or purse, his fellow-beings who need help. His sympathies are tender, and easily enlisted. Thus far his record is a bright one, and there is no reason to apprehend that its pages will be obscured by any act in the future.

9. WILLIAM D. DUNN, of Mobile, was from Tennessee—a Whig in politics, and a member of the House at the sessions of 1842, 1843, and 1844. In 1845, he was a candidate for Congress in the

Mobile District, and was beaten by Judge Dargan. If I mistake not, this ended his connection with public life. He has since devoted himself more exclusively to the practice of the law, and to the management of his large estates. He labored under some physical infirmity, which had a depressing influence on his mind, and on his taste for social enjoyments.

Col. Dunn was something of an intellectual giant in debate. When fully penetrated with his subject, he rose to considerable heights in argumentation, presenting masterly views, in a manner not unworthy of the fame of Charles James Fox, in the British Parliament, as an orator. He was massive in his statements, and cogent in the exposition. Next to his colleague, Mr. Campbell, he was regarded as the most powerful debater on the floor of the House. At the Bar, he was eminently successful, and in all his relations to society, he was the model of a high-toned gentleman. He still resides in Mobile.

10. DR. SAMUEL S. EARLE, of Jefferson, was a member of the House in 1838, and again in 1839. The condition of the country, and his acknowledged efficiency in legislation, brought him forward in 1842, and he took a decided interest in the measures acted upon during the session. After this, he declined all public employments. Until his death, in January, 1871, he continued to reside at Elyton, among the people who honored him with their confidence more than thirty years ago. This was more to his credit, as testifying his individual worth, from the fact that he, a Whig, resided in a county which had a decided Democratic majority.

Dr. Earle was a native of South Carolina, where he was highly educated. He was modest, and seldom addressed the House; but when he thought proper to occupy its attention on any subject, he was heard with great respect. His voice was pleasant, his style that of a mature scholar, and his views were sensible, and always to the point. It was much regretted that he had not more frequently engaged in debate, as he would, no doubt, have rendered valuable assistance on important questions, and would thereby have secured to himself more reputation in a legislative capacity.

In addition to his fine literary taste, he possessed considerable skill in drawing, and often amused himself at his desk by sketching the likenesses of members while on the floor, or in other respects showing their peculiarities, which were faithfully represented. Somewhat reserved in his manners, and always unobtrusive, his fine social qualities were not generally understood. His passion for reading absorbed most of his leisure, and cut him off from that free and genial intercourse with his fellow-members which most of them delighted to cultivate. In all respects, and at all times, whether in public or in private life, Dr. Earle was a

high-toned and upright gentleman, and his memory will ever be held in the highest respect.

11. **ELBERT H. ENGLISH**, of Limestone, was first elected to the House in 1839, and again in 1842, which latter session closed his legislative experience in Alabama. His intellect was of a very respectable order, and his legal attainments considerable, though both were veiled by a modesty little short of the most embarrassing diffidence whenever he attempted to address the House. But his foundation was solid, and upon this he has since established a character in another State, of which his friends in Alabama may well be proud.

Not long after the session of 1842, Mr. English removed to Arkansas, and settled at Little Rock, to pursue his profession. He first compiled a Digest of the Laws of the State, in which he displayed such method and business capacity, together with extensive legal knowledge, that he was soon elected to the bench of the Supreme Court—a station which he continued to adorn until the late troubles between the North and South. Judge English was, before he left Alabama, an exemplary Christian, and a member of the Methodist Episcopal Church.

12. **JOHN ERWIN**, of Greene, was a native of Kentucky, and came to Alabama in quest of fortune in his young manhood, and settled in Greene county as an attorney at law. He was industrious, and devoted to the interest of his clients, and in due time he obtained a large and lucrative practice, and rose to the head of his profession. He was several times elected to the Senate, of which body he was elected President in 1833. When I first knew him, he was a member of the House in 1837. He was again elected in 1842, which closed his legislative career. At this session, he was elected Speaker of the House, and made a good presiding officer.

In 1845, he opposed Mr. Payne for Congress, but was defeated. In 1851, he was again a candidate in opposition to Judge William R. Smith, both Democrats. The contest was animated, and great exertions were made by the friends of each candidate; but Judge Smith prevailed by a few votes majority.

The friends of Col. Erwin, on several occasions, presented his name for nomination for the Executive chair, but without success. He was a delegate to the Convention at Charleston in 1860, and represented Alabama in the Committee on the "Platform." He was also at Baltimore in attendance upon the Convention that nominated Mr. Breckinridge for the Presidency.

In his early public life, Col. Erwin belonged to the Whig party, but changed his political relations about the year 1840. In his

latter days he received an accidental injury which affected his nervous system, and prevented him from mingling freely in public circles, or in discussion. He died suddenly during the war.

The personal qualities of Col. Erwin were remarkable. He had talents, besides, courage and vanity in a high degree—all essential, with certain modifications, to form a combative nature, so as to command success under the difficulties which he had to encounter in his early career. As an advocate, he was in the habit of commenting, with great severity, upon the character of parties and witnesses adverse to the interests of his client. On one occasion, when the Circuit Court was held at Erie, the first county-site of Greene, he indulged in this vice at the expense of Mr. Ross, a very respectable citizen, who happened to be a party of record. He felt himself unjustly treated, and in a moment of passion, he struck Mr. Erwin with a cane, as he stepped out of the Court-House; whereupon the latter gentleman stabbed him with his pen-knife, which produced immediate death. Mr. Erwin was subjected to the forms of a trial for the homicide, but the jury acquitted him on the ground that he acted in self-defense.

It is believed that this unfortunate occurrence tended to increase the natural austerity of Mr. Erwin's character. He became cold, haughty, and supremely selfish, throughout his future life, even though he pursued the forms of courtesy and high-breeding in his intercourse with his fellow-men. His person was of a mold to command attention, symmetrical, comely, and active, while his face beamed with intelligence, and his clear blue eyes expressed the depths and intensity of the soul within. His voice, in its undertones, was very rich; but when he reached the higher notes in his long speeches—frequently from four to six hours, in Court, and sometimes half a day on the stump, or in party Conventions, and in the Legislature—his voice was disagreeable, even discordant. Of this he appeared to be wholly unconscious, and he still persevered in the agony. On such occasions, his performance was a mixture of lofty intellectual conceptions, of rambling facts, strong emphasis on half his words, respectable logic, offensive personalities, and a zeal bordering on rage, with tedious repetitions. Such was Mr. Erwin as a declaimer. Crowds went to hear him on popular occasions, and crowds melted away between the meridian and the setting sun, if his time was not limited by circumstances, or by special agreement. He was a gifted man, intellectually and vocally, of which fact no one seemed to have a more decided impression than himself.

Yet, with all the infirmities of his disposition, Col. Erwin was the very soul of honor in his business transactions. He was faithful to his clients, and to all his engagements. His services he rated high, as a general rule; but then, his efforts and his zeal

were equal to the emergency, and success, in most instances, crowned his professional labors. He seemed to be always in full harness for work, no amount of which ever appalled him, where the incentive was adequate. A large fortune was the result of his personal exertions. All that he needed to complete his happiness was political preferment, as Governor of the State, or as a Senator or Representative in Congress. Perhaps a seat on the Bench of the Supreme Court might have been accepted. But none of these stations were accessible to him, not for want of qualification on his part, but purely from his stern, haughty bearing toward others, of which no parallel has been known in Alabama, where the example was so meritorious in other respects. He was a model of grace and dignity as President of the Senate, and as Speaker of the House of Representatives, equal to that, perhaps, of the best Speaker of the British House of Commons. His pride, his ambition, and his intelligence, served him in his official character; but, as an individual, he had no sympathy for others, and he died, probably without a warm personal friend in the world, outside of his domestic relations.

13. ISAAC H. ERWIN, of Mobile, was a native of Tennessee, and a son of Andrew Erwin, Esq., a prominent citizen of that State, and a brother of James Erwin, Esq., of New Orleans, who married a daughter of the Hon. Henry Clay. After he settled in Mobile for the practice of the law, Mr. Erwin married a sister of Col. Lorenzo James, of Clarke county, which alliance brought him a large family influence, and he soon rose to distinction. He was a member of the House so early as 1838. In 1841, he was elected a Trustee of the University, and took an active part to promote the success of that institution, and of the cause of education generally. He was a gentleman of fine intellect, and, at the session of 1842, frequently shared in the debates. He possessed a good business capacity, and was much respected in social circles, making friends wherever he went. This was his last session, and in 1843, he died of yellow fever, in the prime of life, with the prospects of much usefulness in the future.

14. ALFRED HARRISON, of Lowndes, was a Democratic member of the House from a Whig county, in which he had been Sheriff several terms, and always faithful to the trust confided. He was young and unmarried, and lived with his mother, Mrs. Jane Harrison, who came from Georgia, where her son was born. He was brother to Mrs. Jane Owen, the accomplished lady of Col. Lewis Owen, of Montgomery, and to Mrs. Judge Stone. While taking but little interest in the debates of the session, Col. Harrison was an active, working member. Although a Democrat

without disguise, such was his standing at home, that he seldom failed of an election to any office for which he was a candidate.

In person, Col. Harrison was tall and spare, with manners not only agreeable but even captivating. These brought around him at all times a circle of admirers, who caressed him so that his social feelings yielded to an influence it was hard to resist, and which proved his ruin. The grave gained a victory in the flower of his age, and Lowndes county lost one of its noblest citizens.

JOHN W. HENLEY, of Marengo, came to the House in 1842, and served but the one session. He was a young lawyer of promise, a Whig in politics, impulsive and zealous in the advocacy of his principles. This, added to the rapidity of speech, which was accelerated in the heat of debate, marred, to some extent, the effect of his arguments, which, in substance, deserved a better presentation. He participated freely in the business and discussions of the House, and was esteemed a gentleman of fine character and qualities, especially in social life.

16. DAVID HUBBARD, of Lawrence, was called out by the people this year to give the Legislature the benefit of his large experience, and great practical sense, while passing through the ordeal of public exigencies. Few men occupied more space in the general estimate of working members than he did. Major Hubbard had been, in one way or another, connected with the State Government almost from its organization, filling the office of Solicitor of his District, Senator from his District, and a Representative from his county. He was also for years, a member of the Board of Trustees of the University.

In 1839, Major Hubbard was elected to Congress from the Florence District, and, as a member of the Committee of Ways and Means in the House of Representatives, he took a decidedly front rank, establishing a high character for his clear comprehension of the great political questions then engaging the country. In 1849, he was again a candidate for Congress, but was beaten by Gen. George S. Houston.

After serving at the session of 1842, he was returned to the House in 1843, 1844, 1845, 1853, and 1859, always taking an active and leading part in the deliberations and proceedings of the Legislature. He was a Democrat of the State Rights school, and was particularly watchful on the tariff and slavery questions. He participated largely in the Presidential canvass of 1840, and again in 1844, and frequently had a place in the Democratic Electoral Ticket. This was his position in 1860, when he was one of the Electors for the State at large on the Breckenridge and Lane ticket.

On several occasions Major Hubbard aspired to a seat in the United States Senate, but never succeeded. The same reasons which influenced the Jackson Democracy in withholding their support in former days from the men who came over with Mr. Calhoun, operated against him in these aspirations; and yet few men possessed stronger elements of character requisite for such a responsible position. Somehow, the public mind came to regard him as a man of great shrewdness and cunning, and this idea, attaching suspicion to his movements, weakened his position, and no doubt contributed no little to keep him in the background, while his fellows of less substantial attainments were advanced. His ambitious, proud spirit no doubt chafed under this treatment, and it likely intensified the impatience and bitterness manifested in the latter part of his public life. However this may be, Alabama has had few men in her councils who understood the framework of government better, or guarded her interests more faithfully, and with more ability, than David Hubbard. He suffered heavy losses of property during the war, and after its close he removed to Nashville, Tennessee, where, I believe, he still resides.

The fact is worthy of mention, that in 1856 Major Hubbard was a delegate from Alabama to the Southern Commercial Convention at Savannah, where he took part in the discussions with some of the leading men of the South, and displayed his usual ability. He was by no means a pleasant speaker. His voice was harsh in the extreme, and he soon lost all control of it in the excitement of his feelings. He had not the least idea of harmony, taking the vagaries of his voice as a specimen, nor had he any grace of gesture. He was a strong man lashed into fury by a phantom of his own creation, and he dashed off in debate with a headlong speed, which exhaustion and a loss of voice alone could arrest. He then took his seat.

## CHAPTER XVIII.

*Legislature of 1842-3—Sketches of Members Continued.*

17. JOHN JACKSON, of Barbour, a merchant, was somewhat an extraordinary character. From his familiarity with treasury and bank accounts, and their practical management, it is believed that he had, at some period of his life, been connected with the public departments at Washington, or had been a merchant of large dealings. He could at any time give the rates of exchange between New York and Liverpool, for twenty years, or the dividends of the United States Bank, the amount of Treasury Notes, the receipts from customs, from the public lands, and from miscellaneous sources, and the expenditures under each administration, and what measure of policy produced a stringency in the money market, and through what precise form every account presented for settlement at the National Treasury had to pass, from the first Auditor to the final order of the Secretary at the head of the department. He could even tell who were the stockholders in the Bank of the United States, what year the officers changed, and what transactions the Government had with the banks—with the scale of exchange, how it rose and fell, and how produced. His mind seemed to be a perfect commercial dictionary, with sums and definitions without limit, which he introduced more or less in debate while discussing the bill to place the Branch Banks in liquidation, and its probable effect on the currency. In addition to this class of minute knowledge, he was well acquainted with political affairs, with the history of leading men from the foundation of the Government, and what measures of National policy they introduced or approved. His resources of this kind appeared to be inexhaustible.

This preliminary view of his character is submitted in order to show what he might have been as a legislator, had he been discreet and self-poised, and free from the bitterness which soon deformed his efforts on the floor.

On the second day of the session, Mr. Jackson brought forward a set of charges against the Hon. John P. Booth, a Judge of the Circuit Court, which occupied nearly an hour in the reading—a labor which he performed himself, with dramatic intensity. It was his *debut* in the Legislature. His rich and sonorous voice; his bright and glowing face, the scholarship of the composition, and the emphasis by which he gave force to particular passages of enormity,

inspired the idea of power in the Representative from Barbour, that would have eminently qualified him for a prosecuting officer in some court of criminal jurisdiction. The charges were in the nature of impeachment, with a strong case made out, on paper; and whatever might have been the result, a trial was rendered unnecessary by the immediate resignation of the Judge. Thus began and thus closed the first chapter in Mr. Jackson's legislative career.

He had doubtless been a spectator for many years, more or less regularly, of the proceedings in Congress, and had imbibed a somewhat diplomatic style of intercourse, and of personal etiquette, which he preserved in the Legislature, even when aggressive in debate, or parrying the thrusts of an opponent. He was the Tristram Burges, of Rhode Island, or the Ben. Hardin, of Kentucky, who used the scalping knife with savage cruelty in the debates of Congress, when provoked by John Randolph, or other sarcastic adversary, to lay aside the virtue of forbearance. Mr. Jackson was at all times ready for the tournament, and ten to one his rival was unhorsed in every tilt.

His hostility to the banking system was openly declared in his speeches and by his votes. While the bill to put the Huntsville Branch in liquidation was before the House, Mr. Jackson made some remarks which induced Mr. McClung, of Madison, to say, half-pleasantly, that "he feared the gentleman from Barbour would be disturbed in his sleep that night at seeing ghosts and hobgoblins." Mr. Jackson promptly replied, that "he hoped he should be spared the affliction of seeing the ghost of a broken bank!"

Another instance may be given, when Dr. Moore, of Madison, brought forward a measure of relief in behalf of a constituent (an Irishman), from the penalty of illegal voting. Mr. Jackson at once rose in his place, and in his usually excited manner, said "he had no doubt, or would venture the opinion, that the violator of the law had voted the Democratic ticket." This was the first suggestion to his mind. He was an entire Whig, and had no charity for anything that savored of Democracy. But with all his bitterness and want of amiability, he was a useful man in his place, and as honest in his purposes as it was possible for one to be who had been so scorched and warped by severe visitations of adversity, and had encountered his disappointments. After the session of 1842-3, Mr. Jackson did not appear in the Legislature of Alabama. He then seemed to be about fifty years of age, and I believe he was a native of Pennsylvania.

His life was terminated by a melancholy accident in 1850, or thereabout. He had started with his family for Texas, and while crossing the Gulf from Mobile to New Orleans, the steamer on

which he had taken passage was burned, and, with a number of others on board, he perished in the flames, or was drowned in the sea. Mr. Jackson was a man of strong intellect, and of mature business capacity. Had his nature been less excitable, his record as a legislator would have been quite different, and probably he would have taken a proud rank with the benefactors of his country. Whatever his infirmities of temper, charity forbids that they should be remembered with unkindness, after a death so sudden and appalling.

18. WILLIAM GILES JONES was a son of the Old Dominion. He was a nephew of the Hon. William B. Giles, who was a Representative in Congress from 1790 to 1798, and again in 1801-2, and a Senator from 1804 to 1815, and afterward Governor of Virginia.

Mr. Jones came to Alabama about the year 1834, and, for a while, held some position in the land office at Demopolis. He was a lawyer by profession, and afterward removed to Greensboro, where he formed a partnership with William M. Murphy, Esq., who resided at Erie. This connection at once introduced Mr. Jones to a good practice, and, being comparatively a stranger, it expedited his advancement in public confidence. His merits were always sufficient to open a way for him in any community; but the extensive influence of his partner, who had formerly been associated with William J. Vandegriff, Esq., was attended with happy results to both. Mr. Murphy distinguished himself at the session of 1840, and Mr. Jones succeeded as a Representative from Greene, in 1842, with no less ability and reputation.

In debate, Mr. Jones was calm and forcible. His mind was amply stored with information which served him to good purpose, while his logical acumen gave him a mastery over all questions which he handled. The emanations of his intellect were like sunbeams, giving light wherever they fell. For one very little over thirty years of age, this rare quality was remarkable. His elocution and whole manner was much to his advantage. There was no rant, no mere attempt at display or ornament. With him, language was but the vehicle of thought, and its transparency was beautiful and captivating. He was much respected for his courtesy in debate. Though a Whig in politics, he never failed to observe the amenities of life on every occasion where he had to measure strength with an antagonist. His course in the Legislature gained him many friends throughout the State.

The second marriage of Mr. Jones, was with a daughter of Matthew Hobson, Esq., a wealthy and influential citizen of Greene. She was a relative of Mrs. William M. Murphy—both beautiful and accomplished ladies. He afterward removed to Mobile, as a

better field for the exercise of his professional talents. In 1849, he was elected to the House from Mobile county, and took the first legal position, as Chairman of the Judiciary Committee.

After the Whig party was dissolved, or after the old issues had become, in a measure, obsolete, Mr. Jones coöperated with the Democratic party. On the death of the Hon. John Gayle, Judge of the United States District Court for the Southern District of Alabama, about the year 1858, President Buchanan appointed Mr. Jones to fill that office, in which he was confirmed by the Senate. He held this position with great ability, and with satisfaction to the public, until the Confederate Government was organized, when he resigned his first commission, and accepted the same office from President Davis. When the war closed he was, of course ejected, and, under some pretext, he was arrested by the Federal authorities, perhaps to atone for his change of allegiance. After some detention and delay, during which no definite action was taken against him, he was discharged. Judge Jones still resides in Mobile, enjoying the rewards of a well-spent life, and the universal respect of all who knew his lofty qualities, and his unblemished character.

19. WILLIAM B. MARTIN, of Benton, was born and educated in Tennessee, and is a nephew of Gov. J. L. and Judge Peter Martin. He came to Alabama, and settled in Benton county, about the year 1832, to pursue his profession as a lawyer. He was first elected to the House in 1838, and again in 1842, and reëlected in 1843. In 1844 he was on the Electoral Ticket for Polk and Dallas, and aided in casting the vote of Alabama for these candidates for the Presidency and Vice-Presidency. In 1847 and in 1849, he served in the Senate. In 1853, he was again elected to the Senate, and was made its presiding officer, in opposition to Gen. Joseph P. Frazier. He opposed Sampson W. Harris, for Congress, in 1855, and was defeated. In 1861, he was returned to the House, and served two years. This ended his public course. After the war begun, he entered the Confederate States Army as a private, but his age and infirmities compelled him to return home. He yet lives, and resides at Gadsden, Etowah county.

Mr. Martin is gifted by nature with a splendid intellect, which has been well trained in the political and professional forums, where he has long acted a conspicuous part. He was a good debater, and always ready for a tilt on any question, on the stump or in the Legislature. Some of his efforts were truly eloquent. With all his rich endowments, however, he has been unjust to himself, and to the same extent has increased the disability of serving his country as he might have done, in the absence of the

only impediment to his promotion in high quarters. He permitted a subtle enemy to fasten itself upon him—the convivial habit, strong drink—until he is now only the shadow, in success and capacity, of what nature designed in moulding his noble intellect.

20. JAMES W. McCLUNG, of Madison, was born and raised in East-Tennessee, where his family connection was large and influential. He was a nephew of the Hon. Hugh L. White, long a member of the United States Senate, and a candidate for the Presidency in 1836. He came from Knoxville to Alabama, soon after the State Government was organized, and settled at Huntsville, as a lawyer. His great abilities at once secured him success in his profession.

The first wife of Col. McClung was a daughter of Gov. D. B. Mitchell, of Georgia, an alliance which strengthened his prospects, by securing material advantages, and largely contributing to his happiness. After this union was severed by death, his spirits became greatly depressed, and he sought temporary relief in the inebriating bowl. But, before the strong man was entirely bound, he burst the fetters, and with manly resolution stood erect once more before his fellow-men. Would that his example of self-redemption were more generally imitated, so that the wrecks from intemperance would not form such an extensive chapter in human misery!

There was one circumstance in the life of Col. McClung which, it is said, he always regretted. A severe attack had been made on his character, in a newspaper, at Huntsville, edited by Mr. Wills, which led to the death of Wills at the hands of Col. McClung. After judicial investigation he was acquitted; yet his mind constantly dwelt upon the unfortunate affair, and he has been known, on several occasions, to interpose his friendly offices to prevent similar results, by referring to his own sad experience. It has been reported that, for many years afterward, and so long as it was necessary, Col. McClung made liberal provision for the family of Mr. Wills, in a way the most delicate, and perhaps without their knowing the source from which it came.

Col. McClung was elected a Representative from Madison county, about the year 1830, if not previously. He was Speaker of the House at the sessions of 1835, 1837, and 1838, and his qualifications as a presiding officer were of the highest order. His person was well formed and commanding, and his address, at all times dignified, was that of a complete gentleman. He was well acquainted with parliamentary law, and prompt in deciding questions of order, as well as in the general application of rules laid down in Jefferson's Manual, and other standard authorities for the government of deliberative bodies. There was a pleasant courtesy

toward the members who addressed the Chair, which at once relieved them from all embarrassment, especially the younger class, who needed such countenance. The writer served as Clerk at two sessions when Col. McClung was Speaker, and will never cease to remember the many acts of kindness and favor rendered him in the performance of his duties, many of them new.

In 1841, Col. McClung was the competitor of Col. Fitzpatrick for the office of Governor, and was defeated. In 1842, he was returned to the House, and was appointed to the first position on the floor, that of Chairman of the Judiciary Committee. He was patient and laborious at his post, and generally took part in all important discussions. His voice was distinct and sonorous, his language that of a refined scholar, and his bearing in debate was courteous and elevated, reminding the spectator of the better days of the United States Senate, when Calhoun, Clay and Webster were its pillars and its ornament. Indeed, had justice been done to the talents of Col. McClung, the greatest wish of his life would have been gratified by the Legislature of Alabama, in sending him to the distinguished forum at Washington, to unite with these illustrious statesmen in serving the country. But his support of Judge White for the Presidency in 1836, in opposition to Mr. VanBuren, and his neutrality in the Presidential election of 1840, together with previous Whig affinities, precluded him from Democratic favor, which would otherwise no doubt have made him the colleague or the successor of the Hon. William R. King in the Senate. Though the sphere of his ambition was more limited from necessity, he was always the leading figure in his subdued relations to the public, and showed, without any seeming effort, a capacity for the highest employments. In the British House of Commons, he perhaps would not have been the inferior of Sir Robert Peel in breadth and gracefulness as a leader. Without the royal ceremony of knighthood, or a patent for the peerage, Col. McClung was a nobleman of still better origin—the stamp of Nature. As such he always appeared in council, and in social intercourse among his fellow-men.

In 1844, Col. McClung was again elected to the House, and was made Chairman of the Committee of Ways and Means, considered at that time as the most important, on account of the critical state of the public debt. In 1845, he was elected to the Senate, and placed at the head of the Judiciary Committee. His last service was at the session of 1847, when he was again Chairman of the Judiciary Committee, the post of honor in the Senate. He died in 1848, before the infirmities of age had bowed his person or had touched his faculties.

21. THOMAS W. MCCOY, of Mobile, was originally from Augusta, Georgia. He was elected to the House in 1842, on account of his superior qualifications in finance, as the people of Alabama then greatly needed men of that character in the public councils. He was extensively connected with the business of insurance, and well acquainted with the principles and details of banking. This fact led to the complimentary motion of his colleague, Mr. Campbell, to place him on the joint examining Committee on the State Bank and Branches, in order that the benefit of his peculiar abilities and experience might be secured to the public through that channel. The appointment was at once made.

Mr. McCoy introduced a bill to improve the currency of Alabama, by dividing a certain per cent. of specie on the circulation, and funding the balance of the Bank issues in State bonds bearing five per cent. interest, and payable five years after date. While the bill was under discussion, Mr. McCoy took the floor, and read several letters from his Mobile correspondents, showing the panic in exchanges, that specie had risen up to 25 and 30 per cent. premium, and was still advancing, owing, as alleged, to the apprehension that the Legislature would enact stay-laws, or throw some difficulty in the way of creditors. Mr. McCoy compared the shock in exchanges to a Texas *stampede*, when a company of horses took fright, and every one dashed off heedless of rein, bit, or rider.

The plain causes, founded on the laws of trade, which he assigned for these results, and the very intelligent manner in which he reviewed the commercial and agricultural interests of the Southwest, as affected by the currency, showed to the satisfaction of all, that Mr. McCoy ranked among the first in the House for experience and knowledge in his pursuit. When a member inquired of Mr. McCoy, for the purpose of embarrassing him, if he had not supported the measures which his correspondents placed at the bottom of the panic, he promptly replied that he had voted for the liquidation of all the Branch Banks, and he gloried in the act; to him it was the proudest reflection of his life; and when his children became old enough to read the Journal of the House, it was his consolation that they would see his name recorded in favor of the wisest financial movement that had ever been made in the State. He thanked his God that he had lived to take part in the session; that it had seemed peculiarly fortunate to him, after declining so many previous solicitations to be a candidate, he had yielded at last, and now he was satisfied.

Throughout his remarks on the floor, Mr. McCoy was animated and graceful. His language was in good taste, and the only regret felt was, that a gentleman possessing his excellent advantages of matter and delivery, should not have taken a more frequent

part in discussions before the House. His personal appearance denoted great activity in business, as well as suavity of address. No member commanded more respect as a gentleman. He was a Whig in politics, and apparently about forty years of age.

For a number of years, Col. McCoy commanded the first Alabama Regiment, an organization composed of volunteer companies, embracing largely citizens of the first standing in Mobile. Next to the Fire Department, this regiment was the favorite and pride of the city, and no gentleman was more worthy of its command than the gallant and accomplished Colonel McCoy. He was so popular in military circles that upon the resignation of Major-General Bates, of the Sixth Division, he was elected his successor by a large majority.

Gen. McCoy married a daughter of George Poe, Esq., formerly Cashier of the United States Branch Bank at Mobile. No one could better dispense elegant hospitalities, and the refined courtesies of social life. Of late years Gen. McCoy recovered a fine property in Baltimore, and now resides in that city.

22. LEMUEL G. McMILLION, of Jefferson, had been many years a member of the House, previous to 1842, when he was again elected, and afterward filled a number of public trusts. He was a Democrat of that class who was fond of office and place, and sometimes to accomplish his purpose, it was said, he resorted too much to policy, and ploughed with outside influences. This impression injured him, and no doubt brought on disappointment. He had been out of public life many years before his death, which occurred a few years ago; and it is feared that in his political discomfiture, he yielded to a worse foe than he had at any time encountered in his contests with the Whig party.

23. JOHN MORRISSETTE, of Monroe, was born in Rodgersville, East-Tennessee, in October, 1793. He enlisted and served through the whole of the war of 1812-'15. Soon after the close of the war, he removed to St. Stephens, then the seat of the Territorial Government of Alabama, and engaged in partnership with Mr. James Lyon, in merchandising. In 1821, he married Miss Frances Gaines, a relative of his former commander, Gen. E. P. Gaines, and settled in the county of Monroe, where he began the practice of the law, in connection with his agricultural pursuits.

Mr. Morrisette was first elected a Representative in the Legislature in 1829, and again in 1832, 1833, 1842, 1843, and 1844. In 1845, he was returned to the Senate, to which body he was reelected in 1847 and 1849. He often participated in the debates, in which he displayed abilities of a fine order, with great reasoning faculties. On committees he was a working and useful member.

His marriage with Miss Gaines brought him fortune and influence at a time when he needed both, and these he turned to good account. By economy and good management, on such a foundation, he succeeded in amassing a very large property, wherein he had an element of power that contributed largely to his success in political life, and in his control of men.

From a pamphlet of sixteen pages, published by himself, entitled "Letter of John Morrisette to A. P. Bagby, Esq.," dated October 8, 1836, many facts and circumstances are ascertained, some of which afford evidence of his early career as a politician. He reminds Mr. Bagby that they had been friends from 1818 to 1834, and then proceeds to enumerate instances of *deception* and *treachery*, as he alleges, by which the latter forfeited all confidence previously reposed in him. The pamphlet contains a variety of charges and specifications, whether true or groundless the writer will not undertake to decide. Many names are introduced as witnesses, or parties more or less concerned in the record, among whom are several gentlemen who have since acted a prominent part in public affairs, viz: Hon. James Dellet, B. F. Porter, A. B. Cooper, Gen. Enoch Parsons, ex-Gov. Murphy, Hon. John Gayle, and Hon. Henry Goldthwaite. Among other names mentioned for different purposes in the letter, as citizens of Monroe, or the adjoining counties, are those of Robert Mosely, John Roach, William Waller, Winberk Boney, S. R. Address, J. G. Lindsey, S. D. Parker, Mr. Faulk, Rawls Wallace, Samuel Dubose, Robert Sims, Dr. Lawrence Moore, Mr. Hunt, Mr. Draughon, Joseph Taylor, Benjamin Sims, Duke K. Jameson, Col. Evans, Arthur Kimble, William Mobley, William Robinson, Mr. Latham, Mr. Dodridge, David Packer, Jesse C. Farrier, James T. Kidd, Leroy A. Kidd, Gen. Moore, Neil Morrison, Mr. Lyon, Mr. Bates, Col. Baylor, John S. Johnson, and F. M. Johnson.

One of the principal objects of the letter was to show the versatility of Mr. Bagby in politics—at one time opposed to Gen. Jackson, and then in his favor; of abusing Mr. VanBuren, and then supporting him; of declaring in favor of the United States Bank, and then denouncing its unconstitutionality; of pledging himself not to vote for the Hon. William R. King for the Senate, in order to gain the support of the Nullifiers, and then violating the pledge—and other allegations of inconsistency, ending with an issue of personal veracity, and grave allegations not proper to be here quoted.

Since Mr. Morrisette made his exposition to the public, about thirty-five years ago, and the personal enmities of that period have perished, it is only fair to say that the aspects in which he viewed the character of Gov. Bagby may have been honestly stated, even though not entirely correct, in a political sense. The

latter gentleman may have been too impulsive to have any solid or permanent convictions. He was conscious of great intellectual power within himself, aided by physical endowments rarely vouchsafed to mortals, in the exercise which among men, for personal success, he believed himself competent to any task, asserting frankly what was in his mind as the occasion might dictate, for or against any man or measure, and then, if expedient, to qualify or disavow, in his superlative manner, with a physiognomy of wonderful expression, where truth and honor beamed as a central light, stamping confidence on every word, just as the die gives beauty and perfection to the coin which it prepares for circulation as pure gold.

In a few words, Gov. Bagby will be released, in this narrative, from the grasp of his vigilant adversary, Mr. Morrisette. It was impossible that these gentlemen should harmonize, politically or socially, their individual organizations were so different. The mind of Gov. Bagby soared among the stars, dreaming of human greatness and glory through intellectual channels. The cogitations of Mr. Morrisette were always practical—of land and negroes and cotton, on cash in bank, and on “hog and hominy” for his own consumption, and for the help of his fellow-men who *crawled* on the earth, and never had sweet visions like those of Gov. Bagby, and of the aspiring, sensitive class with whom he was congenial in sympathy and in hope. Gov. Bagby reached high places:

1. A Senator in the Legislature.
2. Speaker of the House of Representatives more than once.
3. Governor of Alabama from 1837 to 1841.
4. Senator in Congress from March 4, 1842, to March 4, 1848.
5. Envoy Extraordinary and Minister Plenipotentiary to the Court of St. Petersburg, with a salary and advances for one year, not less than \$20,000.

This meed of honor and promotion at the hands of his countrymen outweigh the charges made by Mr. Morrisette to depreciate his character in public view. Gov. Bagby was no financier. He was always under a strain for money to keep up appearances suitable to his station in society. Perhaps he was very unfortunate in his star-gazing proclivities—his ideals of excellence, and in his liberal interpretation of human nature. Whatever his errors, wilful or otherwise, he suffered enough in his mind to expiate them all.

As to Mr. Morrisette, he was more than twenty years connected with the Legislature, with occasional intervals of retirement, during all which time he acted a very prominent part in shaping public measures. He was always sensible, and was always heard with attention, either when he reported from committee or shared

in debate. He uttered many wise and useful thoughts on the daily concerns of life. Sometimes he was on the extreme; as in 1844, or thereabout, he introduced a proposition in the House which implied great distrust of the commission merchants of Mobile, and sought to give the sale of cotton to other hands. On a visit to Mobile soon thereafter, Mr. Morrisette was insulted by a mob of boys and other disorderly classes, who surrounded his hotel with hostile demonstrations, and perhaps pelted him with cotton in the streets.

The last service of Mr. Morrisette in the Legislature was at the session of 1849-50. Not long thereafter, while on a business trip to Texas, he died, leaving an estate complete in lands, slaves and other property, which the ravages of war had not then touched. He was probably about sixty years of age, a rare specimen of that valuable common sense which Dr. Franklin prized above all other gifts. His integrity as a man has never been assailed or questioned, and his memory will long survive in the legislative history of Alabama.

24. JOHN W. A. PETTIT, of Barbour, was from Georgia, and had served in the Legislature of that State. He belonged to the legal profession, was tall in person, stately in his manners, and was very ambitious. Indeed, he had a good substratum of merit to justify this passion of noble minds, and was regarded in his native State as a very rising young man. He was originally an adherent of the Clark party in Georgia, in opposition to Troup and the Treaty, in the scenes of 1825-26; but when the Carolina doctrine of State Rights was promulgated, Col. Pettit was among the few of his local party who espoused it warmly. This showed independence, at least, and perhaps placed him on cold terms with his old political friends; for in a short time he removed to Montgomery, where he embarked in the support of State Rights and State remedies, as editor of the "Alabama Journal." Either from want of success in that field, or because his editorial labors interfered with his professional, he severed his connection with the press, and next settled at Irwinton, (now Eufaula) to pursue the law with more exclusive attention.

In 1839, Col. Pettit represented Barbour county in the Legislature, where he immediately took a prominent position. During the session he introduced a bill to establish a branch bank at Irwinton, which was defeated mainly through the influence of three gentlemen. On the last day of the session, when the clerks were bringing up their papers, the House indulged in a mock session, common in those days, when the Speaker retired from the chair, calling some member to it whose wit, humor and address suited the occasion. A motion was offered inquiring of the

gentleman from Barbour what had become of his Branch Bank project? which produced a good deal of merriment. Col. Pettit took it coolly and went to work at his desk, and in a short time read and submitted a preamble and resolution reciting the defeat of his bill and by whom it was mainly defeated, to-wit: Mr. Smith, of Madison, who was a very *rich* man; Mr. Reynolds, of Franklin, who was a very *fat* man, and Mr. Smith, of Lauderdale, who was a *petulant, ill-natured* man: Therefore resolved, that it is not to be wondered at that the gentleman from Barbour failed in his Bank project, seeing that he had to contend with the *world*, the *flesh* and the *devil*. This was regarded as the best retort of the session.

Col. Pettit was again returned to the House in 1842. The next year he was nominated for Congress in the Montgomery District, which was considered tantamount to an election, so decided was the Whig majority; but the result proved otherwise. His competitor was James E. Belser, Esq., a Democrat, who went actively through the canvass, and was elected. This was a mortifying blow to the feelings of Col. Pettit, who, soon thereafter, removed to Memphis, Tennessee, where he died a few years ago.

The rank of Col. Pettit as a debater, was very respectable. He possessed a fine voice, courtly manners, and commanding person, and at times he was eloquent. Occasionally, he rather skimmed the surface of questions, and then again he would strike at first principles, and make a strong impression on the judgment of the House. His mental operations were not distinguished for celerity, but were generally cautious and safe. When a good opportunity was afforded for the indulgence of wit, he uttered some excellent things in that way, on the floor. No gentleman was more courteous and bland in discussion. His nature revolted at the idea of using offensive language, unprovoked, and he was equally decided in permitting none to be addressed to him with impunity. He entertained a very generous opinion of himself, and was a gentleman of elevated taste and feelings. The meridian of his life was no doubt somewhat clouded by disappointment in his political aspirations. A sound philosophy, it is hoped, cheered the latter years of his life.

25. BENJAMIN F. PORTER, of Tuscaloosa, was born in the city of Charleston, South Carolina, in the year 1808. While a mere lad, he was placed in a counting-house, where he remained a year or more, and at the age of fifteen he entered the employment of Dr. Thomas Legare, a leading practitioner in the medical profession. Here he enjoyed the opportunity of studying natural science, botany, and anatomy, and of acquiring a knowledge of *materia medica* and pharmacy. Visiting the courts of the city, he was

captivated by the eloquence of such advocates as Petigru, R. Y. Hayne, William Crafts, and others of a high rank at the bar. The latter gentleman, especially, who had a large practice, and an enviable celebrity as a poet and orator, attracted the young student of medicine, who, in due time, engaged in a course of legal studies in the office of Mr. Crafts. In 1826, he was admitted by the Court of Appeals, an attorney and counsellor at law and solicitor in chancery.

In 1827, he selected the village in which the Court-House for Chester District was located, as his future residence; and in 1828 he married Miss Eliza Taylor Kidd. In December, 1829, Mr. Porter removed with his family to Claiborne, Alabama, and in 1832, was elected a Representative from Monroe county, in the Legislature, and again in 1833 and 1834. In 1834, he was elected Reporter of the Supreme Court, an office vacated by the resignation of George N. Stewart, Esq. In the meantime he was also elected Judge of the County Court of Monroe, and continued to hold that office, until his removal to Tuscaloosa, in 1835. In 1837, 1838, 1839, and again in 1840, he was elected to the House from Tuscaloosa county. In the meantime, he was elected a trustee of the University, and attorney for that institution in closing its complicated affairs, or rather its old claims for the sale of lands liberally donated by the General Government.

At the session of 1839-'40, Mr. Porter, then a member of the House, was elected Judge of the Tenth Judicial Circuit, which was created from other circuits, during the session. When he visited Mobile, embraced by the new circuit, for the purpose of entering upon the duties of his office, he was greeted with a most hospitable and cordial reception by the inhabitants, who, through a highly respectable committee, tendered him the compliment of a public dinner, and expressed the grateful remembrance in which they held his exertions in the Legislature, in behalf of the city, at a period of great commercial embarrassment, fire and pestilence. The committee added assurances of the high estimation in which they held his virtues and talents, and the pleasure they felt at his residence in the city. Judge Porter declined the proffered civilities on the ground that, as a Judge, it was necessary he should abstain from excitement, and take no part in public proceedings of that kind. He presided one term in Mobile, and cleared the docket of several thousand cases, by the promptness and energy with which he dispatched the public business. In the meantime, some doubt having arisen as to his eligibility, the Governor ordered a *quo warranto* to try the question, which called forth the following letter:

*His Excellency, A. P. BAGBY, Governor of the State of Alabama:*

SIR—The delicate and important question, lately raised in the Supreme Court, touching the constitutionality of my appointment by the Legislature as Judge of

the 10th Judicial Circuit, to-day received the attention of the Court, to this extent: The Court said the case of Paul could not be sustained, and that my election was unauthorized, but that it was not satisfied that that tribunal could take original jurisdiction of the case, for which question the cause was retained.

The intimation thus given by the Court of its views in relation to the question of principle involved, is all that any one should require who is disposed to treat respectfully the supreme judicial tribunal of the country; and though I can not know what may be the decision on the point for which the case is held up, yet, even if in my favor, it would leave me occupying a station by the favor of a technicality, which I cannot hold on principles of constitutional law, as declared by the Court.

Such a situation would be one of degradation, and could neither be relieved from infamy by its profits, or be protected by its authority from the censure of every honest citizen.

I therefore resign into your hands the office of Judge of the 10th Judicial Circuit, which the magnanimity of the Legislature conferred upon me.

Respectfully,

B. F. PORTER.

July 1, 1840.

While Judge Porter held the office of Reporter of the Decisions of the Supreme Court, fifteen volumes were published by him, nine of which bear his own name, and six are entitled "Stewart and Porter," from the fact that the cases contained in them were decided during the time Mr. Stewart held the appointment. Afterward the Judges of the Supreme Court were authorized by law to publish their own decisions, for which an allowance was made additional to their salaries. The volumes were then called "Alabama Reports," since which time other Reporters have had charge of this labor, all forming at this time about fifty volumes under the latter title.

During his service in the Legislature, Judge Porter was the first member who brought forward the Penitentiary system of punishment, instead of the former mode of whipping and branding for offenses less than capital. Such was his humanity, that he introduced a bill to abolish punishment by death, in support of which he made an argument which was published in a pamphlet of twenty pages. He refers to a number of cases where innocent persons have been convicted and hung, and afterward the parties alleged to be murdered have made their appearance, with all the circumstances explained.

At all times actuated by a humane spirit, Judge Porter introduced a bill, which passed, February 1, 1839, to abolish imprisonment for debt in Alabama. He was the author of another bill, "For the preservation of the 16th section grants, and to establish permanently in the State of Alabama, a common school fund, so as to fully secure the intellectual improvement and moral welfare of the youth of this State." The argument in support of this bill is contained in a pamphlet of fifteen pages. Several legal propositions were examined, with the authorities, relative to trusts, express and implied, public and private. The act of Con-

gress enabling the people of Alabama to form a State Government, granting the 16th section of every township to the inhabitants of *such township* for the use of schools, was quoted.

The author of the argument then presents a mass of statistical information, showing the cost of public schools, per teacher and pupil, in different States of Europe and this country. In Alabama, it is stated, out of a population of 335,185 white persons, there are 22,592, over the age of twenty years, who cannot read or write. The annual interest of the 16th Section Fund, in bank, for different counties, is given, showing the vast inequality of values, in Sumter \$4,657.95, and in DeKalb \$12.00. He therefore contends that the whole fund should be consolidated, and distributed in a ratio to afford benefits to all in just proportion.

In 1842, Judge Porter published a pamphlet of a little more than 100 pages, of which the following is the title:

The Offices and Duties of Executors and Administrators, being a plain and simple Treatise on the Rights, Responsibilities and Duties of those Officers; containing Directions with regard to the making of Wills, Distribution of Estates, and other necessary Actions to be pursued by those who administer Estates: To which is added Forms and Entries for Judges and Clerks of the Orphans' Court: All prepared with reference to the Laws of Alabama, but applicable in many respects to the States of Georgia and Mississippi.—BY BENJAMIN F. PORTER.

Here it may be remarked that Judge Porter was very industrious with his pen, wrote much for the newspapers and periodicals, and was fond of seeing his name and compositions in print. Indeed, this habit was carried to such extremes, he was so frequently and in so many forms attracting the public eye, that men began to suspect that he had some ulterior aim, probably writing himself into *celebrity*, that would command positions of the highest grade, such as that of Governor, Senator in Congress, or Judge of the Supreme Court. All admitted his talents and the vivacity of his speeches and writings, but his *ambition*, party leaders and men of influence who had grist at the same mill to grind seemed very reluctant to gratify or even to encourage. His efforts in this direction were often met with criticism, not always the most respectful. On one occasion he caused it to be announced that he was engaged in translating from the Latin the work of a celebrated Roman author on the Civil Law. In high professional circles this idea was ridiculed, and the press of another State gave him a scathing notice for the vanity and presumption of the attempt, as it was termed.

Among his numerous contributions to the periodical press, may be mentioned his review of Howitt's *Homes of the Poets*, An Appeal to the Whigs of the Union for the Sake of the Union, in the "American Review;" his essay on the Civil Law, Cicero, Burr's Life, British Reviewers, etc., in the "Southern Quar-

terly," and various articles in Hunt's "Merchants' Magazine," and in "DeBow's Review." All these showed industry, learning, and taste of no ordinary stamp. He had one of the largest private libraries in the State, well selected in the departments of law, history, literature, science, and philosophy, and no man was more diligent or more happy in the use of books.

In 1848, Judge Porter purchased a Summer residence for his family at Cave Spring, Floyd county, Georgia, which contained the double attraction of health, and of good schools for his children. While there, his personal friend, RICHARD YEADON, Esq., of Charleston, the distinguished editor of the "Courier," paid him a visit with his family, who were the guests of Judge Porter for several weeks in August and September, 1849. The two friends traveled to the mountains in the Cherokee region, viewing the falls of Little River, DeSoto's Cave, and the cuts and rents of the hills and valleys by the bursting of recent water spouts which swept away houses and crops by sudden inundation. These and other objects, with romantic Indian traditions, were celebrated in verse by Mr. Yeadon, who regularly corresponded with his paper. Judge Porter was complimented in some of these effusions, and invited, poetically, to return to Charleston, and become in bonds of friendship, "exceeding the love of woman," as Jonathan and David stood to each other. In letters to the "Courier," Mr. Yeadon gave glowing descriptions of Cave Spring and its surroundings, including the warmest eulogies on Judge Porter.

In 1850, Judge Porter was prevailed on, by Mr. Yeadon, to try his fortunes once more in his beloved native city of Charleston. And as a preliminary, assuring a present support, the editorship of the "Charleston News" was procured for him, through the influence of Mr. Yeadon. As Judge Porter, throughout his legislative course from 1832 to 1847, had always been a consistent advocate of the fair sex, in introducing bills to secure separate estates to married women, and to protect the homestead of the family from seizure and sale for the debts of an improvident head, the following from his pen, as an editorial article in the "News," of November 2, 1850, is deemed relevant:

**THE EDUCATION OF GIRLS.**—We are altogether in favor of radical reforms in this branch of instruction. We begin by announcing ourselves as decidedly of opinion that women have souls, and possess minds, very capable of improvement in the higher branches of knowledge. We honestly believe that they are not formed alone

"To suckle fools and chronicle small beer."

On the contrary, we think that they have intellects entirely equal to the most laborious tasks of the most masculine scholar; and as they necessarily have the care of children, during that period when their minds are taking impressions of good and evil, we are positively the advocate in everything which can the better form their minds to the duties of these interesting tasks. It will be seen from

this beginning that we take it for granted that women must have the care of children; that is, we suppose they will be married women. We should feel that we were insulting women to think anything else. We have no charity for those provokingly prudish females who pretend that it is their duty to live in a state of single-bessedness. It is a great violation of duty to do any such thing. The most miserable thing in nature, and the most to be sympathized with—except an old bachelor, who is most fervently to be despised—is an old maid. If women take our advice, they will get married as soon as possible, to an honest, industrious man; and this leads us to the consideration of the system best adapted for the education of women.

In the first place, we avow ourselves sternly and inflexibly opposed to making it the business of a woman's life to thump on a piano, draw pictures, or stick woolen threads on perforated paper. These things may be very properly learned and practiced, as adjuncts to education; but they may not be education itself. Nor would we have women become masters in Greek Anthology or Latin hexameters. In looking to a plan of education for her, we would select that most capable of forming her into a woman, in the largest sense of the term. We would look to her destiny as a wife and a mother; as the companion of a man, who might be at times a hero, or a child; of one who, in the several phases of life, may be called on to make her very miserable, or very happy; as the guardian of a child, sometimes in laughter, sometimes in tears; of one who would delight her in health, and rack her bosom with mental suffering, in disease and death. Her education should fit her for these episodes in existence. She should have cheerfulness, without frivolity, for moments of pleasure: firmness and resignation for those of misery. She should be instructed in self-denial in times of prosperity—in self-reliance in periods of distress. In order, therefore, to accustom her to these varieties of life, we would begin by placing the foundation of her education, in RELIGIOUS PRINCIPLE.

From some cause, the connection of Judge Porter with the "News" was dissolved in less than a year. The following lines appeared in the "Courier," which are here introduced as a specimen of his poetry:

"WHEN PARTING FROM THE FRIENDS WE LOVE."

*Air—Mary Blaine.*

BY B. F. PORTER.

When parting from the friends we love,  
 How long our hearts retain,  
 O'ershadowing fears, which seem to prove,  
 We ne'er shall meet again.  
 When farewell, when farewell,  
 Is all the lips can say,  
 As parting from the friends we love,  
 We tear our hearts away.

As slow we drag our feet away,  
 What doubts invade the breast;  
 Hope only sheds a glim'ring ray,  
 T' involve in deeper shade.  
 When farewell, &c.

Long years may roll between us two,  
 Bright skies may o'er us shine;  
 My faithful heart will still renew,  
 That speaking look of thine.  
 When farewell, &c.

The happy time will soon be here,  
 And heart to heart restore;  
 I'll kiss away the pious tear,  
 Thine eyes shall shed no more.  
 When farewell, &c.

Then should we part from friends we love,  
 Let hearts no more complain;  
 The sun will rise o'er clouds to prove,  
 We'll surely meet again.  
 When farewell, when farewell,  
 No more the lips shall say,  
 As parting from the friends we love,  
 We tear our hearts away.

While in Charleston, in 1850-51, Judge Porter opened a law office, and was employed in several important cases. The Hon. J. B. O'Nealle, author of the "Bench and Bar of South Carolina," devotes six pages of his work to a biography of Judge Porter. The following is an extract:

In May, 1850, I came to know Judge Porter. He was one of those concerned in the defense of Davenport, charged with the murder of a lady by the administration of ergot. \* \* \* He made the second speech for the prisoner, and it seemed to me to be fully equal to what might have been expected, from his great reputation. The evidence was wholly insufficient to convict the prisoner, and after a tedious trial he was acquitted. At the same term, and subsequently, at the January term, 1851, of the Court of Appeals, Judge Porter, with his friend, Mr. Yeadon, argued the case of the State *ex relatione*, Ravenel, Brothers & Co. James Welsman, James Chapman, Gourdin, Matthiesson & Co., *vs.* the City Council—4 Richardson, 286. Here, again, both on the Circuit and in the Court of Appeals, his arguments were everything which could be said, in a case where the law was decidedly against him.

I believe these two cases were the only occasions on which I had the opportunity of hearing and knowing Judge Porter, of whom I then formed a high opinion, both as a lawyer and gentleman. I then hoped he might find it to be to his interest to make Charleston his permanent home; but it seems his friends had promised more than they could effect. The business promised and expected did not come. His means were not sufficient to justify him in remaining in the city of his birth, and he returned to Alabama where he has since been successfully pursuing his profession.—Vol. II. p. 551.

After his return from Charleston, Judge Porter resided for several years in DeKalb county, where he pursued his profession, edited a paper called the "Will's Valley Post," carried on a farm, was Superintendent of Education, and President of the Will's Valley Railroad Company. It has been said of him that, in the intervals of professional employment, he had studied every branch of the sciences and philosophy, and had become a fair Latin and good French scholar. Taking a fancy to the civil law, he had explored it from its earliest fragments, through Paul, Ulpian, the Institutes, Pandects, Novels and Code, to the Spanish and French law, and in it he found the source of the principles of jurisprudence. And that he had also prepared a translation of Heinncicus' Elements of the Institutes.

About the year 1845, the Trustees concluded to add a Law Professorship to the University of Alabama, and, having passed the resolution, they elected Judge Porter to the chair, who was to rely for his compensation on the sale of tickets to his lectures. He accepted it, and his name appeared as the Professor in one edition of the Catalogue of the institution; but after some preliminaries, it was ascertained that sufficient patronage would not likely be afforded, and Judge Porter abandoned the situation without delivering even the introductory lecture. In suggesting the law chair, it was no doubt his intention to prepare and deliver a course of lectures to be afterwards published in book form, probably to be entitled, "Expositions of the Common, Statute, and Civil Law," to rank, in public estimation, with the commentaries on the laws of England, by Sir William Blackstone, and with those on American law, by Chancellor Kent. He was original and bold enough to entertain the conception, and sufficiently self-reliant to give it form and vitality. But difficulties supervening, which he did not anticipate, and which he thought were unjust to himself, he applied his energies in another direction. Such a work as he contemplated from the law chair of the University would, if produced, have exhibited a variety and breadth of learning, in a method more or less exact, and a taste in composition perhaps a little different in the simplicity usual among legal authors, but otherwise an attractive style. This pillar of his fame, however, never reached the cornice, or the entablature.

While in DeKalb county, trying with great industry, and in every form of appeal, to reach the minds of the people, and to rouse them to action in the cause of education and internal improvement, he offered his services as a candidate for the Senate, and was defeated.

Hitherto nothing has been said of the politics of Judge Porter. He was a Nullifier in 1833, and at the session of that year he offered resolutions pledging the State of Alabama to sustain South Carolina, in case an armed conflict grew out of her resistance of the oppressions of Congress, which were rejected by the majority. This effort placed him among the foremost as a State Rights man. In 1840, he supported Gen. Harrison for the Presidency, and made many speeches in the canvass, as he did for Mr. Clay in 1844. He frequently presided over party conventions, and was a Taylor man in 1848. In 1852, he was not satisfied with the nomination of Gen. Scott, and voted for Mr. Pierce. His course since then has not been well defined, nor will an outline be attempted here. He was thoroughly a Southern man during the war, freely contributing his influence and means to support the Southern cause. He had previously removed to Greenville, Butler county. After the surrender of the Confederate armies, and the Republi-

can party, under the Reconstruction Acts of Congress, obtained control of the Government of Alabama, Judge Porter allied himself with that party, and accepted the Judgeship of the 12th Judicial Circuit, a circumstance which most of his friends much regretted. He died soon thereafter, and thus passed away a very remarkable man, whose gifts and energies deserved a better reward in life than he was destined to experience.

His daughter, Miss INA M. PORTER (now Mrs. Henry), inherited the literary taste of her father, and many beautiful articles, in prose and verse, from her pen were published in Northern and Southern papers and magazines before the war. Her contributions since have been frequent in quarters more restricted, but not the less creditable to her genius.

Judge Porter, with a due share of infirmity common to ambitious minds, possessed many noble traits of character. His soul was full of benevolence, and he would give his last dollar to relieve human distress. As a speaker, he was distinguished for animation, a chaste style, with metaphors when necessary, and his elocution was generally pleasant, and sometimes captivating. His address was at all times dignified, and he never ventured to appear in public except fashionably clad. Cleanliness of person was his rule and his daily practice. Let his few foibles be forgotten, and let his many virtues live in kind remembrance. He was a member of the Baptist Church from 1842 until his death in 1868.

In regard to Judge Porter, his emulation, his generosity, and misfortunes, one is reminded of the beautiful thoughts of the Hon. George S. Hilliard, of Boston, a legal author of distinction, who says:

I confess that increasing years bring with them an increasing respect for those who do not succeed in life, as these words are commonly used. Heaven is said to be a place for those who have not succeeded upon earth; and it is surely true that celestial graces do not best thrive and bloom in the hot places of worldly prosperity. Ill success sometimes arises from a superabundance of qualities in themselves good—from a conscience too sensitive, or taste too fastidious, a self-forgetfulness too romantic, a modesty too retiring. I will not go so far as to say with a living poet, that “the world knows nothing of its greatest men;” but there are forms of greatness, or at least excellence, which die and make no signs; there are martyrs that miss the palm, but not the stake; there are heroes without the laurel, and conquerors without the triumph.

26. JAMES ROBINSON, of Madison, served only this session as a Representative, preferring the quiet pursuit of his profession to the turmoil and strife of politics. He displayed intellect and intelligence of a fine order, and often shared in debate. On the trying question of placing the Branch Banks in liquidation, his course was bold and decisive, looking to the good of the State as his first duty. He still resides in Huntsville where he has attained eminence at the bar. He is a Tennessean by birth and

education. In his manners, he is somewhat secluded, resulting no doubt from his indifference to popular favor, and to his exclusive devotion to his profession.

27. ROBERT T. SCOTT, of Jackson, became first known to me in 1835, when he was canvassing against Gov. Chapman, for a seat in Congress. He was beaten, and in 1837, he was elected to the House. It has been stated in a preceding chapter that, in 1839, he was again returned to the House, but was ousted from his seat, because, at the time of his election, he held the office of Clerk of the Circuit Court. He thereafter remained in private life, pursuing the practice of the law until 1842, when he brought to the aid of the House strong native talents, matured and strengthened by experience. At this session he introduced a bill for the investigation of all extra allowances made by Bank Directors since 1835, giving power to the Governor, if he should deem it expedient, on the report of the Commissioners, to institute proceedings for the recovery of such unauthorized applications of the public money.

Mr. Scott was again elected in 1847, and took an active part in the important business of that session. In 1853, he was returned, with the writer, to the House, and discharged with ability and efficiency the duties of Chairman of the Committee of Ways and Means. This ended his connection with the Legislature.

Under an appointment of the Governor, Mr. Scott was engaged in prosecuting the claims of Alabama for advances made on account of the Indian and Mexican wars, and perhaps other claims, which required much of his time to be passed in Washington City. In this labor he exhibited great diligence and capacity, and was successful in a certain degree, considering the difficulties encountered.

A particular trait in the character of Mr. Scott, as a legislator, was his opposition to high salaries in public officers, and his love of economy in the expenditures of the public money, an instance of which may be given, as occurring at the session of 1842. When some bill was under consideration in the House, he took the floor, and contended that public officers were too well paid, in support of which proposition he compared the profits of manual labor, in the different occupations, with the per diem of the Judges, showing that the sweat of fifty men at the plough would hardly earn as much money as the State paid to one Judge! In fact, he demonstrated, in his own way, that the average of common labor was eleven cents per day to the hand, while that of the Judge, who sat in the house, sheltered from the cold and heat, amusing himself with his books, was six or seven dollars per day. When he drew the contrast, his voice rose to the highest pitch of indignation, as if it was anti-republican to permit mental labor, pursued in the

shade, to be paid a fraction higher than mere bodily labor in the sun, where no idea of larger capacity than a full corn crib was essential. His mind was well cultivated, and his business qualifications superior. He was not a pleasant speaker, on account of a lisp in his delivery. Of course, he had to be a Democrat to represent Jackson county, where Democracy prevailed almost by unanimous consent. His social qualities were of a very respectable class, so much so that he appeared to better advantage in the private circle than in the forum.

28. JOHN S. STORRS, of Shelby, was a Northern man, and settled in Montevallo to practice law. He was liberally educated, and a Whig in politics, soon taking a high position in his party, so that in 1841 he was elected to the House, and for several years thereafter the same trust was renewed by his constituents. In 1857, he concluded his legislative service in the Senate. In 1849, while a member of the House, he was a candidate for Secretary of State, and was defeated.

With marked zeal and ability, Mr. Storrs devoted himself to measures calculated to develop the mineral region of Alabama, in the midst of which he resided, and to this end he advocated the establishment of railroads, in aid of which he proposed to apply the two and three per cent. funds. Gloomy as the prospect seemed then, these lines of connection have since been opened, and the people of Shelby and those of other counties are about to realize the benefits of the wise movement. By some persons an objection to Mr. Storrs has been raised, on the ground that he was too sectional in his views and efforts—that he was wedded too entirely to the people of Shelby county, regardless of the general interest. While the fact probably existed of such devotion on his part, it should be borne in mind that he had cast his lot in a community with which he had become identified in feeling and interest, and that it was natural he should promote their welfare to the best of his opportunities. By diligence in his profession, and by using the proper means in other respects, he succeeded in acquiring a very ample estate, and died much regretted by the people with whom he had long resided, and had faithfully served.

Mr. Storrs had a good voice and a ready supply of language, but he was not often a participant in the debates. He occasionally addressed the House, more in explanation than for any other object. He was always deficient in the warmth of social feeling, for which Southern men are noted, and in those agreeable qualities which would make him a favorite in legislative circles, though in his private relations he was more communicative, and possessed a fine vein of humor.

29. DR. ROBERT J. WARE, of Montgomery, had long been a member of the House, but had retired for several years until 1841, when he was again elected, and reelected in 1842. At both sessions he struggled manfully to obtain the aid of the State in behalf of the Montgomery and West Point Railroad. In 1841, he asked for the State's guaranty on the bonds of the company to a certain amount, to enable the stockholders to complete the road, and thus render available the capital already invested. In this he failed; but never despairing, he renewed the subject in 1842 in a new light, making it appear that the two per cent. fund could be applied by the State, under the specific limitations of the act of Congress, in no other way than establishing the very line of improvement, of which the road formed an extensive link. He ultimately succeeded in getting an act passed, loaning to the company \$120,000 of that fund, on adequate security to the State.

Dr. Ware was considered one of the most sagacious and solid members of the House. When he had an object in view, he set it boldly before his audience, and gave the whole argument in a nutshell, so that before the attention was in the least fatigued, the question was laid open in all its parts, as with the dissecting knife. He had large views of everything, and was never cramped or timid in his movements. Perhaps he had no superior in the House in public spirit, and it was the fewest number who excelled him in business intelligence. His manner of speaking was highly agreeable, and his disposition eminently stubborn. One might as well undertake to level the Andes by a zephyr as to drive him from any position. Where his judgment and free will led, there he would go in spite of the world; further, the combined universe could not force him.

From this view, it will be perceived that Dr. Ware had largely the elements of strength and firmness in his character. In 1849, he was elected to the Senate, which closed his public career. He then gave more exclusive attention to the management of his immense property. His nature was unsocial, tinged a good deal with *hauteur*, which made him unpopular with the masses, and shortened the period of his public life. He was a Whig in politics. From his great love of wealth, and his losses by the war, probably his spirit was crushed by the shock, and death came to his relief in 1866. At the time, however, he could not have been under sixty-five years of age, with physical powers made for endurance to four score.

30. THOMAS WILLIAMS, of Pickens, formerly resided in Tuscaloosa county, and was many years in the Legislature. He was a member of the House in 1837, from Pickens, and subsequently, always filling the place of a working, watchful, economical man in

all the avenues of the public service. He was for proceeding to business in a straightforward, practical way, looking into the condition of public affairs, correcting the errors that had crept in, reforming abuses, cutting off useless expenses, and righting up matters generally, just as a prudent man would act for the future safeguard of his interests. The same rule he applied to the body politic. He was a reliable man in all the situations of life, and, in his day, exerted a large influence in the Legislature, and in the counsels of the Democratic party, to which he belonged. From small beginnings he had, by dint of industry and frugality, acquired a large property. His practical views he carried into public life. He died in 1855. Two of his sons, Curtis Williams, and Samuel Williams, Esquires, succeeded him in the confidence of the people of Pickens county, whom they have represented in the Legislature.

31. WILLIAM WOODWARD, of Sumter, was from South Carolina, and brother of the Hon. Joseph A. Woodward, a Representative in Congress from that State from 1843 to 1847. He was also the brother of Judge Thomas Woodward and John J. Woodward, formerly of Talladega.

The member from Sumter first took his seat in the House in 1841, and again in 1842, 1844 and 1845. He was a hard-working public servant. On several occasions he addressed the House, chiefly as head of the committee on roads, bridges and ferries, to which a great many petitions, bills and memorials had been referred. He was a sound-headed planter, with smooth delivery, and unpretending language.

In 1853, Mr. Woodward was elected to the Senate from the District composed of Sumter, Choctaw and Washington, and in the canvass for reelection in 1855, he was beaten by Col. Thomas McCarroll Prince, of the latter county, upon the Know-Nothing question. In 1857, he was again elected to the Senate, and served four years, which concluded his public life. He is a prominent minister of the Baptist Church, and resides in Choctaw county, perhaps at his old home, cut off from Sumter in forming the new county, to commemorate the large tribe of Indians who previous to the Treaty of Dancing Rabbit, in 1832, were proprietors and occupants of the soil.

With all his gravity of deportment as a clergyman, he possessed a fine flow of spirits, and indulged occasionally in innocent humor among his friends in the social relations of life. He is a most worthy and useful citizen, and enjoys universal respect.

Among the very prominent members at the session of 1842, Messrs. A. B. Moore, of Perry, and Thomas H. Watts, of Butler,

of the House, and John A. Winston, of the Senate, were included by general consent. As each of these gentlemen was elected Governor of the State at a future period, a special notice of them will appear under the proper heads of Administrations. A similar remark will apply to William R. Smith, Esq., of Tuscaloosa, who was subsequently elected a Representative in the United States Congress.

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## CHAPTER XIX.

### *Congressional Elections, 1843—Spirit of the Canvass—Sketches of Candidates.*

After the excitement and legislation of the preceding session, a calm succeeded in the public mind, and except so far that it was moved upon by the discussion of Federal politics, the year 1843 was comparatively quiet. Gov. Fitzpatrick was reelected without opposition. In the Congressional Districts, however, there was more or less activity in the canvass, except in the Huntsville District, where the Hon. Reuben Chapman was reelected without opposition.

In the Florence District, Robert Armstrong, Esq., was the competitor of Gen. George S. Houston, and was beaten. For the Tuscaloosa District, Mr. Payne was reelected over Col. Elisha Young. In the Mobile District, the canvass was very animated, and the result very doubtful, until the ballot in August declared the victory to the Hon. James Dellet, Whig, over the Hon. Henry Goldthwaite, who had resigned the office of Associate Justice of the Supreme Court, to accept the nomination unanimously tendered by his democratic friends in convention, as a candidate to wrest the District from the control of the Whigs. The campaign was marked by signal ability in the competitors, who addressed the people in every direction, and enlisted all the strength which personal or party considerations could bring to the support of their respective candidates. It was indeed a war of giants, which has never been equalled in power and dexterity by any political combatants in Alabama. It was the first instance of the kind, probably, where so high a judicial position had been surrendered, to engage in a party contest. The sacrifice, however, was not the less meritorious on principle, after failure, than if it had resulted in success.

In the Dallas District, the Hon. Dixon H. Lewis was opposed by Henry C. Lea, Esq., a Whig, the latter being defeated by a large majority. In the Montgomery District, Col. John W. A. Pettit was the nominee of the Whig party, who was successfully opposed by James E. Belser, Esq. The District was considered decidedly Whig, but as the canvass proceeded, a reaction took place, and Mr. Belser was elected by a good majority.

Here it is proper to say, that several gentlemen whose names have been mentioned in connection with the Congressional elections of 1843, have been already noticed, or will be noticed hereafter, in this work, from other standpoints, in relation to the public service. A few brief sketches will be here given, as circumstances seem to require.

1. GEN. GEORGE S. HOUSTON had been a member of the Legislature previous to 1837, and was that year elected Solicitor of the Limestone District over Mr. Richardson, the incumbent, who was a gentleman of fine standing, and a lawyer of good ability. He was the son-in-law of Captain Nicholas Davis, and continued to practice law successfully until his death in Limestone county a few years ago. Among the sons he left, is Capt. Richardson, a lawyer of Huntsville, of whom the State may be proud.

Gen. Houston was first elected to Congress on the general ticket in 1841, and continued through successive elections (except in 1849 when the District was represented by the Hon. David Hubbard) until the secession of Alabama, making a period of eighteen years in Congress. On the reorganization of the State Government after the war, he was elected by the Legislature in 1865 a Senator of the United States for the short term. Before the same Legislature in 1866 he was defeated by Gov. Winston for a new term in the Senate; but in neither case did the one elected take his seat.

While serving in Congress, Gen. Houston attained a strong position in that body. We was successively chairman of the committee on Military Affairs, chairman of the committee on Ways and Means, and chairman of the committee on the Judiciary, a triple honor which, probably, in no other instance has been conferred on a Representative. He took a leading part in the debates, and his opinions were much respected. His influence became more established as years progressed, and his familiarity with public questions rendered his aid important. His strict, uniform attention to his public duties, and his large experience gave the stamp of maturity and statesmanship to his views. In his party relations he was recognized as a leader of the Democracy, and his counsels had much weight.

† In person Gen. Houston is firmly and heavily set, wears a

thoughtful face, and is one of the few men who has passed a long Congressional term in the maintenance of temperate and steady habits. He still resides in Limestone county, engaged in the practice of the law.

2. JAMES DELLET was a native of South Carolina, and settled at Claiborne in the practice of the law, about the time Alabama was passing from a Territorial condition. He was returned to the first Legislature under the State Government, and on its assembling at Huntsville, in 1819, was elected Speaker of the House of Representatives. Afterward, he repeatedly served in the Legislature, and always with marked fidelity and distinction.

In 1833, he was a candidate for Congress in the Mobile District, and was beaten by Governor Murphy, who, in his turn, in 1839, was defeated by his former competitor in a regular political battle in the same District. While in Congress, Mr. Dellet was recognized for his great powers in debate, as a number of his published speeches will testify. In April, 1840, he delivered in the House of Representatives a speech of thirty pages in pamphlet form, on the "Civil and Diplomatic Appropriation Bill," equal in ability to that of any of his compeers.

Alluding to the coöperation of Mr. Calhoun with Mr. Van Buren, since 1837, in the sub-treasury scheme, Mr. Dellet exclaimed:

How is it that South Carolina is here, hanging on the outskirts of this last, miserable, perishing remnant of royal aristocracy? Is she here by permission? Has she, too, been seduced by intrigue? Is she here by the sting and the force of the party lash? Or is she here in obedience to the dictates of a cool and deliberate judgment, dispassionately formed on the facts presented?

Mr. Dellet then adduces the evidence of disfavor with which South Carolina had regarded Mr. Van Buren, when, in 1831, he was rejected as Minister to England, by the casting vote of Mr. Calhoun, as Vice-President in the Senate; when, in 1832, the State refused to vote for Gen. Jackson for President, or Mr. Van Buren for Vice-President, and then, in 1836, she refused to take part, but stood aloof in the Presidential election, when Mr. Van Buren was a candidate.

After tracing, through public documents, the former opposition of Mr. Calhoun to the fiscal policy of Gen. Jackson and Mr. Van Buren, and noticing the remarks of Mr. Brown, of Mississippi, eulogistic of the Senator from South Carolina, for his independence and honesty in supporting the Sub-Treasury, Mr. Dellet observed:

Among others, I will not say his high-wrought or fanciful touches, he likened the late volunteer, the new ally, (Mr. Calhoun,) in a fearful hour, in the service of the commander-in-chief, to one of the sublime and wonderful monuments of the natural world; he compared him to the falls of Niagara. The correctness and

chastity of figurative language require that the prominent qualities of the object compared should bear a striking similitude to the distinguishing characteristics of the prototype. Does the analogy, then, consist in the resistless outpouring of accumulated and accumulating mighty powers—never-ending noise—ceaseless spray above, and perpetual foam beneath? Or, is it in the barren, desolate waste, the only relic that commemorates the sweep of mighty waters? Might he not more correctly have been compared to the king of day, who, by his own self-possessed, internal heat, penetrates the remotest regions, shedding the beams of his splendor upon all minor luminaries, vivifying, producing, and sustaining all animated nature; ever commanding new and increased admiration, save when there may now and then intervene a cloud, or storm, or tempest, created by the intensity of his own rays, which obscures his brightness for a season, sweeping into desolation the most beautiful productions and proudest specimens of his powers?

Perhaps, in the whole history of parliamentary wrestling, there is not a passage more sarcastic than the construction put by Mr. Dellet; nor was there a more splendid tribute ever paid, than that implied in the figure of the "King of day," as a substitute for the "cataract." It is introduced here as a model of its kind.

This speech of Mr. Dellet, after the example of other gentlemen of both political parties in Congress, embraced every topic, every fact, every influence, from the official records, which was most likely to prejudice Mr. Van Buren, the Democratic nominee, who was then a candidate for reëlection as President of the United States, opposed by Gen. Harrison, the Whig nominee. That such was the character of the speech as a campaign document, may be seen from the following paragraph near the close:

Sir, it has been asked, Why will the American people vote for General Harrison? Go and ask the brothers, the fathers, and the sons of those who fell at the battle of the Thames, and who honored a soldier's grave at the sortie of Fort Meigs! Go and collect together, in pious gratitude, the bones of your countrymen, the bleached memorials of savage vengeance at Tippacanoë! Converse with those who survived, and escaped the havoc and slaughter of those hero-won fields! Do that, and never again will you hear the deriding inquiry, Why will the American people vote for General Harrison? unless it be under indications of self-abasement and withering shame. Sir, those who sneeringly ask that question, have yet to learn that there is in the breast of every American, a warm, animated, living tablet, beating in every pulse, and glowing in every vein, on which is inscribed: He who is as discreet and wise in council, as he has been cautious, prudent, and dauntless in the hour of peril, William Henry Harrison, is entitled to the confidence of his country.

The specimens quoted from Mr. Dellet's speech show that he was a classical scholar, and a master of expression. His manner of speaking was animated and agreeable, with force in the argument, and always in good taste. Few men in Alabama have excelled him in this respect. His person was large and commanding. He was in favor of Mr. Adams for the Presidency in 1828; a Whig without discount, always coming fully up to the mark of party faith and principle. His character was of the highest grade in all the relations of life. After his retirement

from Congress, he devoted himself to the management of his large property, and died in 1849, lamented by all as a great loss to the State.

JOHN MURPHY was a North Carolinian, who first settled as a lawyer in Columbia, South Carolina, and held for some time the office of Secretary of the Senate. Removing to Alabama, he settled in Monroe county, and was a member of the Convention which formed the State Constitution in 1819.

In 1825, he was elected Governor by the Democratic party, of which he was an influential member, and was reelected in 1827; and in 1829, was succeeded by Gabriel Moore. In 1833, he defeated Mr. Dellet for Congress, and in 1839, Mr. Dellet prevailed in another contest. This terminated the public life of Gov. Murphy, who died in a few years thereafter in Clarke county, which had for some time been his place of residence.

He was another of Alabama's public men who, starting poor, and without patronage, by a strict regard to the duties of the legal profession, devotion to the public interest, and fidelity to all trusts committed to him, attained wealth and eminence. His manners were plain and unpretending, his person large and well developed, with commanding address, and his delivery was easy and forcible as a public speaker. Few men of his day, in the history of the State, had the public confidence for integrity more extended to him than Gov. Murphy. He acted well his part, and his memory is held in the highest respect by all parties.

JAMES E. BELSER, a native of North Carolina, settled in Montgomery as a mechanic, when quite a young man. He was from the start a man of the people, and soon succeeded in identifying himself with them, in fortune and in sympathy. He was elected Clerk of the County Court of Montgomery County. In the meantime he studied law, and having a talent and fondness for writing, he became to some extent connected with the Montgomery press.

My first acquaintance with Mr. Belser began in 1838, when he was elected Solicitor of the 8th Circuit, an office which he held a few years, and then resigned. In 1842, Gov. Fitzpatrick appointed him commissioner or agent of the State to visit Washington City and procure a settlement of the claims of Alabama on the General Government for moneys advanced in the Indian war of 1836. He performed this duty in a very able and satisfactory manner, and succeeded in obtaining such legislation by Congress as led to settlement, whereby the State was reimbursed for her expenditures.

In 1843, Mr. Belser was brought forward by the Democrats of the Montgomery District for Congress, in opposition to Col. Pettit, the Whig nominee. The canvass was spirited, and the District politically revolutionized by the election of Mr. Belser. At the session of 1843-'4, the annexation of Texas to the United States was before Congress. In May, 1844, Mr. Belser made a speech in its support, in which he displayed patient, laborious research touching the several treaties between Spain and France, and between France and the United States, for the cession of Louisiana, embracing all the territory west of the Mississippi, to the Rio Grande. He also recited, copiously, the facts of the colonization of Texas by people of the United States, and the Mexican laws governing the same from 1800 to 1835. He quoted from writers on international law, and from the letters and speeches of public men in our country, and from decisions of the courts, in such a manner, with such force of application, as to make out a strong case on his side of the question, to-wit: That it was a stipulated obligation of the Treaty of Paris, of 1800, for the inhabitants of the territory ceded, to "be incorporated into the United States, and admitted, as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of the citizens of the United States; and in the meantime, that they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

He contended that either by treaty or joint resolution, it was competent for Texas to be brought into the Union. With regard to the pretended claim by Mexico of jurisdiction over Texas as a province, Mr. Belser said:

The declaration of American independence, and that of Texian also, asserts the fundamental principle that man is capable of governing himself, and this self-evident truth impelled Texas to throw off the Mexican yoke, and take a place in the list of Republics. Does Santa Anna possess the power, by Divine right, to hold on to Texas? Is this Government to await his pleasure for a full recognition of Texian sovereignty? Who made him a king *de jure*, to acknowledge the independence of Texas only when he thinks proper? Can we not move in the matter without his potential assent? He is a usurper, not a ruler *de jure*. He has violated repeatedly the fundamental laws of Mexico, to which Texas was a party, without her consent. His tyranny toward the Texians, a gallant people, was insupportable. He rendered himself a scourge to the human race, and this authorized every foreign power, that saw fit, to come to the rescue against such an oppressor. Well has it been remarked that "all antiquity has praised Hercules for delivering the world from an Antæus, a Busiris, and a Diomedes."—See *Vattel's Law of Nations*, page 156.

In 1837, when the United States refused to receive Texas, no nation had acknowledged her independence. Then it was that Mexico had just been using the most active exertions to subjugate her, and her right to enter into treaties had not been admitted by this and other Governments. Whenever one Government acknowledges the independence of another, and her right to make treaties, then it is too late, according to English and American authority, to deny to her full

and entire sovereignty. The treaty between this Government and Texas, by which the two have been united, is a valid compact, and could not hereafter be set aside by Mexico. It is a part of the general right of sovereignty (say the Supreme Court) attached to independent nations, "to fix the disputed boundaries between their respective limits; and the boundaries so established and fixed by compacts between nations, become conclusive on all the subjects and citizens thereof, and are to be treated, to all intents and purposes, as the real boundaries." See *1st Peters' Reports*, page 185.

The great industry evinced by Mr. Belser, in selecting and arranging papers from the public archives, and from authors, and the skill with which he deduces the argument, remind the attentive reader of the habits of Mr. Benton, in preparing his speeches in the Senate. He gives chapter and verse, and there seems to be no limit to the stores of his information. Mr. Belser, was evidently a hard-working member, and never took the floor in debate unless he was thoroughly prepared.

The treaty for the annexation of Texas to the United States, was concluded at Washington, April 12, 1844, between John C. Calhoun, Secretary of State, and Isaac Van Zandt, and J. Pinckney Henderson, plenipotentiaries of Texas, and transmitted, by President Tyler, to the Senate, on the 22d of April, where, after due consideration in secret session, it was rejected by a vote of 16 to 35. The second article of the treaty provided:

The citizens of Texas shall be incorporated into the Union of the United States, maintained and protected in the free enjoyment of their liberty and property, and admitted, as soon as may be consistent with the principles of the Federal Constitution, to the enjoyment of all the rights, privileges, and immunities, of citizens of the United States.

The closing portion of Mr. Belser's speech is here given:

Sir, we are asked by many what we want with Texas, and what do we expect to gain from its annexation? If the younger son, described in the parable as having taken a journey into a far distant country, and there wasted his substance in riotous living, could, on his return to his father's mansion, have spread before him the "fatted calf," and be regaled with "music and dancing," what joy will there be when the "lone star" shall be brought to this Union? Her return will not be like that of the prodigal son, with her substance wasted by licentiousness; but she will bring with her the fruits of perseverance, and the indomitable spirit of freedom. Her triumphal entry will be celebrated from Maine to Louisiana, not alone with "music and dancing," but the tear of gratitude to the Ruler of all nations will fall from many an eye, in *commemoration* of the glorious event.

What we have already witnessed on this subject is but the beginning of the excitement. The question of Texian annexation can not die. The silence which at this time pervades some portions of the Union in regard to it, is like unto that which *precedes* the earthquake. Senators may reject the treaty, but the treaty in the end *will reject them*. The flame is not to be extinguished. Texas is ours, and no government can deprive a mother of such a daughter. Her Constitution, laws, religion, language, and kindred, are a part of our own; and those whom God has thus united let not nations put asunder. Great Britain may attempt again and again to *cajole* her into a fatal embrace; but while we remain true to our obligations, she will turn from the *wiles* of the harlot with *increased* indignation.

Sir, is the proffered boon to be rejected? Before that God who knows all things, he trusted not. He looked with confidence to the final triumph of man's birthright in every clime and country on the globe. He hailed with delight the influence of liberty everywhere, and was anxious to see that day come when our sacred National banner shall float over Texas, over Oregon, over California, and over Canada too; and when other nations, witnessing our prosperity, shall hasten to cover themselves with its folds, acknowledging that they caught the first spark of freedom's fire from the American example, and forwarding the radiant beams until they shall have electrified the most benighted portions of the earth.

"O, Liberty, transcendent and sublime,  
 Born on the mountain's solitary crest—  
 Nature thy nurse, thy sire unconquering Time,  
 Truth the pure inmate of thy glowing breast.  
 'Tis thine, when sanguinary demons lower,  
 Amid the thickening host to force thy way,  
 To quell the minions of oppressive power,  
 And shame the vaunted nothings of a day.  
 Still shall the human mind thy name adore,  
 Till chaos ends, and worlds shall be no more."

On the 28th January, 1845, Mr. Belser delivered a speech on the Oregon bill, which abounded in documentary references, showing the right of the United States to terminate the joint occupation of Oregon with Great Britain, under the stipulations of 1818 and 1827, at any time, on twelve months' notice being given by either party after the 20th of October, 1828.

Mr. Belser then examined the provisions of the bill before the House—proposing the organization of a temporary government out of all the country belonging to the United States West of the summit of the Rocky Mountains, and bounded on the South by the fifty-second and on the North by the fifty-fourth degree and forty minutes North latitude, forming an area of three hundred and fifty thousand square miles, drained by the Columbia river and its tributaries. He contended that the bill, so far as regarded boundary, was correct, and that it was the same recognized in our treaties with Spain, Russia and Mexico.

To encourage settlements, the bill requires that provision shall be made by law to secure and grant 640 acres of land to every white male inhabitant of the Territory of Oregon, being a citizen, of the age of eighteen years and upward, who shall cultivate and use the same, or any part thereof, for five consecutive years; and that to every such inhabitant, being a married man, there shall be granted, in addition, 160 acres to his wife, and 160 acres to the father for each child under eighteen years of age.

A third speech by Mr. Belser, in pamphlet form, was delivered on the 11th of February, 1845, on the Bill to admit Iowa and Florida into the Union as States. The practice of the Government had been to admit States by pairs, one of Northern and the other of Southern type, so as to preserve the equilibrium of power in Congress, one-half non-slaveholding, and the other half slave-

holding, which equilibrium was preserved in the thirty States existing in 1850, prior to the admission of California, since which time the Northern element has preponderated in the Senate.

The people of Florida, after holding a Convention of delegates authorized by Congress, had framed a constitution, and with a memorial had submitted it for approval, with a view to admission as a State of the Union. Against this application on the part of Florida, four principal objections of Northern origin seemed to have been urged in the debates of Congress.

1. That, according to the last Census, she had not the requisite amount of population to entitle her to admission.

2. That she constitutes no part of the Government of the United States which was embraced in the original thirteen States, or in the treaty of peace which closed the Revolution.

3. That Congress has the *discretionary* power to admit or not admit her as a new State, and that the Constitution presented by her recognizes slavery in a country not included in the compromises of the Federal Constitution.

4. That, aside from these and other objections, it is inexpedient thus early to change her Territorial form of Government, because of its deleterious influence on other sections.

It would occupy more space than can be afforded, consistent with the objects of this work, to give even a synopsis of the views of Mr. Belser, in refutation of the Northern argument against the admission of Florida, the whole of which argument was prompted from intense hatred of the Southern institution. The resort to authorities and precedents by Mr. Belser was further proof of his great industry to sustain the side of the question he advocated. He quoted from speeches made in Congress on the bill admitting Missouri as a State in 1820, and referred to the prediction of Mr. Quincy, of Massachusetts, that the admission of Louisiana virtually dissolved the Union, and to similar remarks by Mr. King, of New York, when the Missouri question was pending before Congress.

Mr. Vinton, of Ohio, though liberal in some of his views, (which Mr. Belser acknowledged) had imputed to the Southern States a selfish policy, looking to their own aggrandizement on all questions of power, and as an instance he referred to the cession made to the United States, by Virginia, of all her North-west territory, out of which had sprung the States of Ohio, Indiana, Illinois, Michigan, and the Territory of Wisconsin. In the articles of cession by Virginia in 1787, the restriction, of which Northern complaint is made—"There shall be formed in the said territory, not less than three, nor more than five States"—prevented the West, as free States, from multiplying their number as population and other circumstances might require for the prosperity and

influence of that section. Having answered the objections urged against the admission of Florida, and given his reasons in its favor, Mr. BELSER closed his speech in the following language:

This Republic is consecrated by kindred blood, kindred affection, and by the same ties it will be perpetuated. Instead of gentlemen conjuring up spectres of disunion, let them inculcate more patriotic principles. Above all, let them nerve their hearts against that unrelenting disposition which, with religion in one hand and philanthropy in the other, dresses itself out in the garland of piety, and rides triumphant over the sovereignty of the States. In the purest days of the Roman Republic, her Curtius was willing to leap into the flaming gulf, which the oracle had assured him could be closed in no other way. And have we no Curtius among us to stay these elements of discord and misrule which have been let loose in our midst?

The time was when a jealousy existed between the North and the South. It was then confined to the original States. That period has gone by, and hereafter it will be with the monopolist and the agriculturist—between power and privilege. The growth of the West had astonished the lords of the loom, and struck terror into the millionaires. The influence of both of these classes had recently become paralyzed: another census, and it will be gone forever. The rivers of the North may serve a little longer to fill the vision of the traveler, but they will not vie with the majestic streams on the western side of our mountains. The centre of this Republic is destined to be in that vast region which is westward of the Mississippi and its tributaries, and the organization of new political societies will accelerate that end. These are the two reasons why gentlemen here are opposing the admission of new States, and the formation of new Territorial Governments on our western and southwestern borders. The idea that such an opposition is to prostrate agriculture, is chimerical. The pioneers of the wilderness will have their full participation in the administration of this Government, and New Orleans must yet become the London of America.

If any one doubts the future superiority of the West, let him take a retrospect into the past. Let him view her rise and progress in the scale of greatness, and then place his compass on the map of this continent, and he will no longer be deceived. Her mark to aspire is written with the pencil of light. The spirit of liberty is in that quarter—the bird of Jove is soaring afar; and truly has it been observed:

“His throne is on the mountain top;  
His fields the boundless air;  
And hoary peaks, that proudly prop  
The skies, his dwellings are.

He rises, like a thing of light,  
Amid the noontide blaze;  
The midway is clear and bright—  
It cannot dim his gaze.”

A few more remarks, and he was done with the subject. He thought it probably it was the last speech he should ever make on that floor. The session was drawing to a close, and he did not expect to return. He yielded to no man in his love for the Union, as it came from the hands of those who accomplished the Revolution. Their spirits were now hovering around us, anxiously awaiting the sound of that trump which shall announce the emancipation of mankind, the regeneration of the world. He was pleased to hear his friend (Mr. Vinton) say that the West was the connecting link between the North and the South. Such a sentiment was highly patriotic, and well worthy the source from whence it came. But he would tell the honorable gentleman that there was but one way in which the West could perform the part of an umpire, and that was to be just to both parties. The South had always been ready to make sacrifices for the common benefit. Her sons are generous. They learned the lesson of freedom from those

who once stood erect amid the fires of persecution and the blood of martyrs. They could never be made slaves, nor permit their rights of property to be interfered with. The principle which protected them was to be found in the compact, and it was too sacred to be disturbed.

These extracts will suffice to place Mr. Belser on high ground as a debater, and to give a proper view of the several measures under discussion. He probed things to the bottom, and when he pretended to argue at all, he took no refuge behind empty generalities, which signified nothing in fact, and a little of everything by construction. He planted himself upon the record, and gave forth his utterances with sincerity.

His course in Congress rendered him still more popular at home, and he was thereafter a man of mark and influence. He declined a reelection and applied himself more closely to his profession.

When Gen. Taylor was spoken of for the Presidency in 1847, Mr. Belser was among the few leading Democrats of Alabama who espoused his claims. The first meeting held at any capitol of the States was that on the 8th of January, 1848, at Montgomery, over which Mr. Belser presided, which was largely attended. A number of gentlemen of Alabama addressed the meeting, and the "war-horse of Troup," the Hon. Julius C. Alford, of Georgia, was called for, and responded in his usual earnest style. The influence of Mr. Belser in the canvass did more than any other agency in securing so large a vote for Gen. Taylor in the State. From that time his connection with the Democratic party ceased, and his political alliances were with the Whig party and with the Know-Nothings. Although he indulged no bitterness toward his old political friends, but continued his social relations with them, they were made to encounter defeat in many counties through the weight of his name. In evidence of this fact, it may be stated that in 1849 and 1851 the Whigs had the control of the Senate, and to elect a Whig President of that body was an event which had not occurred in a long time. It is not saying more than the premises will justify, when the opinion is expressed, that the course of Mr. Belser in 1848 cut him off from the first honors of the State; for no man at that period had so strong a hold upon the confidence and affections of the masses of the people. The writer knew him well, and had many conversations with him in regard to this political step, and never doubted the purity of his convictions and his sense of duty to the South.

In 1853, Mr. Belser was elected a member of the House, and again in 1855, at both which sessions he devoted his enlightened mind and energies to the interest of the State, in devising and perfecting schemes for the development of her vast resources. He was wedded to a system of Internal Improvement, and to the various projects now concentrating railroads to Montgomery; and

connecting North and South-Alabama. The session of 1855 ended his public career, and he died suddenly in 1858, in the meridian of life and usefulness.

Mr. Belser had but limited opportunities for education, in early life; but he was sufficiently acquainted with books to acquire a fondness for reading, and with a good amount of common sense, he built successfully on this foundation, as his speeches in Congress, at the bar, and on the stump, fully prove. The State may well be proud of such a Representative and such a citizen.

In person, he was considered by many as of rough exterior, and by no means comely. True, he was not a handsome man, but he was by no means repulsive. His face was entirely redeemed by an intellectual expression. Among the people, he was a giant in the political canvass, swaying the multitude at his pleasure. But it was as a man whose heart was filled with the warmest and most generous impulses, that he was most sought and admired. In the substantial qualities of a kind, indulgent, and charitable gentleman, very few, if any, excelled him. He was constant and sincere in his friendships, and seemed incapable of doing an intentional wrong to his fellows, but willing to do favors to all. This facility of temper, no doubt, operated to his injury in many cases, yet he never complained. Considering his social nature, he was rather inclined to be taciturn and thoughtful. He filled a large space in public estimation, and his death was regarded as a calamity to the city of Montgomery, where he had long resided, and to the State.

## CHAPTER XX.

*Session of 1843—Judicial Elections—Personal Sketches.*

The members of the Legislature elected in August, 1843, assembled at the Capitol in Tuscaloosa, on Monday, 2d of December.

The Senate was organized by the election, unanimously, of N. Terry, President; William J. Couch, of Coosa, Secretary; Geo. B. Clitherall, Assistant Secretary, and A. R. Thomas, Doorkeeper.

In the House, A. B. Moore was unanimously elected Speaker. The other officers elected were Joseph Phelan, Principal Clerk; A. B. Clitherall, Assistant Clerk; Wilson C. Bibb, Engrossing Clerk, and James H. Owen, Doorkeeper.

There was wanting in the elections of 1843 that absorbing interest on the part of the people which governed the elections of 1842, whereby a very unusual amount of character and ability was secured in the Legislature, as preceding chapters have shown. Still, the elections of the present year were to some extent a resemblance of the former in the character and efficiency of the members returned, both in the Senate and House of Representatives, evidence of which will appear in the proceedings. Mr. Terry, the President of the Senate, had much experience in legislation; and as a presiding officer, Mr. Moore, Speaker of the House, also had considerable experience as a member, and at once entered upon the duties of the chair with easy dispatch of public business.

The annual message of the Governor was communicated to both Houses on Tuesday, by the Secretary of State. It was altogether of a business character, without any allusion to Federal policy, or to any political issues. The following synopsis is submitted for the information of the reader:

1. In reply to proposals by the Governor, for printing and binding 3,000 copies of the Digest of the Laws of Alabama, prepared by the Hon. C. C. Clay, the contract had been awarded to M. D. J. Slade, the lowest bidder, at \$7 14 per page, and the books delivered. J. Withers Clay, Esq., had been appointed to superintend the printing, in place of the Hon. C. C. Clay, who declined that labor.

2. Pursuant to act of February 13, 1843, for the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile, an injunction in the nature of *quo warranto*, had been filed by the Solicitor of the Mobile Circuit, and the charter of the Bank declared forfeited, from which no appeal had been taken.

3. Two Commissioners for each Branch Bank of the State had been appointed to examine and value the real estate belonging to each. Partial returns had been made, and portions of the estate brought to sale. In some instances, the sale had been deferred to a more auspicious season in the market.

4. Under the joint resolutions of February 14, 1843, authorizing the Governor to institute actions at law against the President and Directors of the State Bank and Branches, to recover money illegally expended by them, within the last six years, Commissioners had been appointed to examine the Expense Account of the Banks, and report the result of their investigations. That duty had been performed, and, in some instances, suits had been brought, where the excuse was not satisfactory. The reports of the Commissioners on the subject were transmitted with the message.

5. Measures had been taken for the extension to the 1st June, 1850, of the State bonds payable in 1844, reserving the right further to extend their payment, if it should be the pleasure of the State hereafter to do so.

6. The President and Directors of the State Bank, in presence of the Governor and the Secretary of State, as directed by law, had destroyed, during the year, by burning, bills of the different Branches, amounting to \$5,036,697, and blank impressions to the amount of \$7,013,428; and bills of the State Bank had also been destroyed, in like manner, amounting to \$609,416.

7. For the additional labor devolved upon the President and Directors of the State Bank, on the winding up of the Branches, in superintending the payment of interest on State bonds, and for receiving, registering and destroying the redeemed circulation of the four Branches, an increase of compensation is recommended; and also that the number of Directors be reduced to four.

8. The bad and doubtful debts due the Banks in the several counties, having been placed in the hands of attorneys for collection, the labor of the Directors has been thereby diminished, so as to justify, on the score of economy, the reduction of the number in the Branch Banks. The Governor recommends that the Cashier be made *ex-officio* a Director, who, with the President and one Director, will form a body entirely sufficient to manage the business of each Branch.

9. To comply with the act of Congress, of August 16, 1842, requiring authenticated copies of papers which have been lost or

destroyed, relating to the claims of the State for moneys expended during the Indian hostilities, to be received as evidence, demands the further attention of a special agent. Our delegation in Congress had done all in their power to adjust these claims. The Governor recommended that a reasonable per cent. be allowed such agent on sums that he might collect from the General Government.

10. Relative to the claims of Sheriffs against the State for the support of prisoners, for which about \$10,000 was appropriated at the last session, he recommends, as the most equitable mode, that the counties in which the offense is committed, provide a special fund, out of which these claims should be paid, under the control of the County Judge and Commissioners, with power to decide on their correctness, and order their payment.

11. He again directs attention to the law regulating the salary of the Adjutant and Inspector General, as too vague and indefinite in the amount of compensation he shall receive.

12. The sum of \$1,192.00, out of the \$1,500.00 appropriated at the last session, had been expended for re-covering the Capitol. The whole roof had been re-covered anew, except the cupola, and that was inspected by competent workman, who concurred in the opinion that it was sound, and required only some slight repairs, which had been made.

13. The law as to returns of elections of members of Congress requires amendment. Sheriffs frequently fail to make returns of elections important to the people, thus defeating the popular will. The Solicitors of the Circuit, and the Grand Juries should be required to look into all such irregularities, and where there is no reasonable excuse, prosecutions should be instituted.

14. The first installment, amounting to \$119,207.61, of the two per cent. fund, had been by the Cashier of the State Bank invested in United States Treasury notes bearing an interest of six per cent.

15. Pursuant to a joint resolution of the Legislature, Congress had passed an act, authorizing the different Land Offices to receive the bills of the State Bank and Branches in payment of preëmption rights, which will form the second installment of the two per cent. fund, which will probably be larger than the first. Out of this fund, \$120,000 of the money is to be loaned to the Montgomery and West Point Railroad Company. The Company, through their President, Charles T. Pollard, Esq., had intimated an unwillingness to accept the loan on the terms specified in the act, and proposed some modifications, as will be seen in the letter of the President accompanying the message.

16. The opinion is expressed that the amount on deposit in the Banks, arising from the sale of 16th Sections, is a trust fund held

by the State, the principal of which should not be touched, and the interest alone applied to Education. He is opposed to paying over the amount, in currency, to the commissioners of the townships, and suggests that a certificate of stock be issued to each township, renewable at the pleasure of the State, the interest on which to be appropriated annually to the purposes of education.

17. In yielding his assent at the last session to the bills placing the Branch Banks in liquidation, the Governor did so with some degree of reluctance, from an apprehension that so sudden a change in our financial policy would have an injurious effect. But experience had removed that fear, and the people have approved the acts.

18. The operations of our banking system are pronounced by the Governor to be deceptive in theory and delusive in practice, as all forms of Bank credits must necessarily be. When a bad currency is displaced, a better one will fill the vacuum, so that gold and silver will come in from foreign exchanges, until the level of currency and prices is fully established, of which Louisiana and Mississippi already furnish examples.

19. As an effectual way of closing up the Banks, the plates on which the bills were printed, should be destroyed, an omission in the act of the last Legislature requiring the bills to be burned.

20. State bonds due in 1842, 1844, and 1865, amounting in the aggregate to \$219,000, have been paid by the Huftsville branch, and are now to be disposed of as the Legislature may direct. The Governor recommends that they be destroyed by the President and Directors of the State Bank.

21. The tax imposed by the last General Assembly for the support of the Government, has been cheerfully submitted to by the people. The mode of assessing the tax on land, without classification, has not been generally approved, and should be modified to meet the wishes of the people.

22. The public faith must be protected. Honor and interest demand it at any sacrifice of a temporary convenience. The Governor says "in parting with a portion of our property in discharging a public debt, we are only going to the expense of preserving a principle, which renders the remainder more secure, and therefore more valuable."

23. With our usual punctuality, the interest on our State has been paid for 1843, and ample means are in the banks to pay the interest due in 1844. [The Bank reports show it to be \$471,507.80.] The Governor recommends that a sufficient fund be raised by taxation to provide, permanently, for all payments of interest in the future.

24. At great expense to the State at every session the General

Assembly is called upon for a vast quantity of special legislation, such as constituting married women free traders, as *femes sole*; incorporating small towns and villages; commercial, manufacturing and mining companies; special tax laws; establishing toll-gates and ferries; besides many other subjects purely local and special in their character—all of which might be transferred, by a general act, to the Courts of Chancery, to the Circuit Courts; and to the County Courts, in classes to suit the exigency.

25. The University, under its present able faculty, is receiving, as it merits, a liberal patronage from the public, as a nursery of the talents of young men who are destined to fill important stations in society. Provision by law is recommended to relieve the institution of the large drain upon it, in the form of interest to the State Bank.

26. The Constitution requiring the census of Alabama to be taken, in 1844, provision by law is recommended for that purpose.

27. Two certain lots in Mobile, belonging to the Branch Bank, as a part of its real estate, have been excluded from sale, at the request of the Medical Society of Mobile, who intend to memorialize the Legislature to make a donation of these lots to the Society, for the purpose of founding a Medical College. As the lots were not likely to depreciate in value from the postponement, the Governor was willing to leave the way open to their final disposition by the General Assembly.

28. Among the vacancies which had occurred in judicial offices since the last adjournment, was that caused by the resignation of the Hon. Henry Goldthwaite, Judge of the Supreme Court; of two Judges of the Circuit Court, one Solicitor, the Quarter-Master-General, and the Judges of the County Courts of eight counties.

29. The Governor says that, on the 6th of October, he made the annual visit, as required by law, to the Penitentiary, and examined the prison and convicts, with that scrutiny which the act required him to perform, and which duty seemed to demand. The result of the examination satisfied him, that neatness and order pervaded the institution, and that a proper discipline appeared to characterize its operations.

30. The annual report of the Inspectors, submitted with the message, suggests some alterations in the Penal Code, which seem to be salutary, in the administration of criminal justice.

The message was read and laid on the table, and in the House 3,000 copies ordered to be printed.

A joint Committee of Arrangements, having prepared for the ceremony, Gov. FITZPATRICK was inaugurated for a second term, on Friday, December 8, in presence of both Houses, and of a large audience in the lobby and gallery, including a rich display of beauty and fashion by the fair sex.

This may be noted as a quiet, short session, the Legislature devoting itself mainly to such amendments as the experience of the year suggested, under the measures of the last session relating to the Banks and the revenue. The subject of apportionment of the members of the General Assembly, and the White and Mixed basis, was brought forward early in the session, by Mr. Marion D. K. Taylor, one of the Representatives from Butler. It is proper to remark that, in the elections of 1843, the issue of the basis of apportionment made at the last session, was raised in many counties in which candidates called "Mixed Basis" Democrats were in the field, and which counties were otherwise Whig, and, in some instances, they were elected. Mr. Taylor was a Democrat, in favor of the *mixed basis*. His resolutions are the following:

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the only true measure of political power guaranteed to the States of this Union by the Constitution of the United States, touching their Federal representation, is the enumeration of the whole number of free persons in each State, including those bound to service for a term of years, and excluding Indians, not taxed, and three-fifths of all other persons.

2. *Be it further Resolved,* That in the organization of Congressional Districts in a particular State, in view of furnishing her Federal representation under the district system, equality of political power among the several Districts, should be the governing principle, and the adoption of any other rule or basis giving more political power to one District than to another, is manifestly unequal and unjust, and in violation of the representative principle of the Federal Government, as fixed by the Constitution thereof.

3. *Be it further Resolved,* That the Federal representatives of this Union derived their power, and are based on, persons numbered, and not in territory; that those individuals are the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons; therefore, in the formation of Congressional Districts, and in the computation of political power due to each, to discard one of the elements of Federal representation admits the right to disregard another or all; and the assertion of such right on the part of a State is of mischievous tendency, and highly dangerous in its character, destructive of a representative principle dear to the Southern States, and in violation of the Constitution of the Union.

4. *Resolved further,* That the Congressional Representation of this Union is not Federal, but National in its character, viz: The representatives under the district system, must spring directly from their respective basis or numbers entitled to be represented; and the doctrine which accords to a State the power, in providing her Federal representation, of exercising the wild discretion of wholly disregarding this beautiful and cherished feature of this Government, well merits the universal condemnation of the friends of civil liberty.

5. *Be it further Resolved,* That the resolution adopted at the last session of the General Assembly of this State, averring that the Congressional Districts in this State be formed on what is termed the "White Basis," does not meet the approbation of this body, and the same is hereby rescinded.

*Be it further Resolved,* That the Governor is hereby required to transmit a copy of the foregoing resolutions to the Governors of each of the States of this Union, with a request that they be laid before their respective Legislatures, and that our Senators and Representatives in Congress be also furnished with a copy of the same.

The resolutions gave rise to an extended debate, in which most of the gentlemen participated who were in the habit of address-

ing the House. There was great earnestness on both sides. The friends of the resolutions had strong hopes, and, indeed, some prospect at first to pass the whole series; but by fighting off, and avoiding a direct vote, the machinery employed to defeat them, they were weakened, until at last virtually defeated by postponement to a late day, and when that day arrived, the resolutions were laid on the table, by a vote of yeas 47, nays 28. The question was not directly discussed in the Senate, which awaited the action of the House.

There was a good deal of skirmishing on Federal politics, and during the session both parties held large, intelligent, and influential Conventions at the Capitol, to organize for the Presidential contest of 1844. The Democratic Convention met first. There was some division in the party between the friends of Mr. Van Buren and those of Mr. Calhoun, as to who should be the choice of Alabama in the Nominating Convention, and leaders were active in their support of the claims of their respective favorites. Mr. George W. Gayle and Benjamin G. Shields were prominent in support of the former, while Judge Meek and others were upon the side of the latter. The Convention voted by counties on a basis of political strength reported by a Business Committee, and the result of the vote favored the nomination of Mr. Van Buren. A platform of principles was adopted, and delegates were appointed to the National Democratic Convention to meet in Baltimore, in May, to nominate candidates for President and Vice-President of the United States.

The Whig Convention met late in the session, and there was a large attendance of delegates. There was no difference among them as to their choice for the Presidency—all eyes being turned to Mr. Clay as the unanimous choice. Delegates were appointed to the Whig Nominating Convention, also to meet in Baltimore, and an Electoral Ticket was organized.

The Whig Convention was presided over by Capt. NICHOLAS DAVIS, of Limestone, a gentleman venerable in years, of great experience in public affairs, and of the highest personal worth. He was a Representative in the first Legislature held in Alabama, in 1819. Subsequently, from 1820 to 1828 inclusive, he was a member of the Senate, and for five sessions was its President.

Until the Winter of 1843, it was never my privilege to form his acquaintance. He had long retired from public life, owing, perhaps, to the strength of the Democratic party in his county, and in that section of the State. He occupied a high rank, however, in the estimation of all parties as a citizen, and for faithful public services; and in the councils of the Whig party his views were received with confidence. He was placed at the head of the Whig Electoral Ticket for 1844, and his speech at the close

of the Convention, in taking leave of his fellow-Whigs, was very impressive. He was truly the "old man eloquent." He was a great lover of his country, and in alluding to its future under a good government, and the visions opened to him in the distance, and the important influence the Whig party was destined to exert in developing the energies and greatness of the country, he became overpowered with his emotions, which brought relief in a flood of tears as he took his seat.

In 1847, Captain Davis was the candidate of the Whig party for Governor, in opposition to the Hon. Reuben Chapman; but the Whigs being in a minority in the State, he was defeated. Not many years thereafter, he died.

Captain Davis was a Virginian. His wife, whose maiden name was Martha Hargrave, belonged to an old and wealthy Quaker family, and was related to the Pleasants and Raglands, of Virginia. She was a beautiful and accomplished lady, and made an admirable and devoted wife. In her household, which was Whig head-quarters in North-Alabama, for many years, she dispensed a liberal and elegant hospitality.

Col. Jeremiah Clemens, in dedicating his work entitled "Mustang Gray," to Nicholas Davis, the son—after speaking of the endearing associations and friendships with him which prompted it—uses this language in relation to his parents:

But it is not these alone that move me to write your name on the first page of this volume. The last words your mother was ever heard to speak, were words of warm regard for me; and, to the hour of his death, your father honored me with a friendship which is among my proudest recollections. In the whole range of my acquaintance, I have never known two persons more remarkable for unswerving integrity of thought and action, or more distinguished for a lofty scorn of all that was low or vile in humanity.

Such a testimonial attests the character of this lady as an ornament of society, whose example can not fail to have a salutary influence on the daughters of Alabama.

Her husband possessed ample means to support his establishment in the true Virginia style, so renowned for its genuine courtesies. He was fond of blooded stock, and always had the best around him, particularly of fine horses. He devoted much of his time to the raising of blooded horses and cattle, and to his efforts and example North-Alabama is much indebted for its superior advantages in that respect.

It is only just to say, in conclusion, that in Virginia, and from Virginia society, Captain Davis imbibed the ideas and principles which influenced and adorned his subsequent life. He raised a large family in Alabama, some of whom are mentioned elsewhere in this work. While living, his character was without reproach, and now that he has passed away, his memory is held in the strict-

est reverence by those who knew him, without regard to former party distinctions.

Resuming the narrative of party movements during the session of 1843, it may be remarked, that the Conventions and the Legislature brought together many leading spirits from the different portions of the State, who did not fail, in their respective political spheres, to achieve all that was possible, not only to advance their own interests, but to embarrass their opponents by the introduction of issues, out of which capital was to be made in the political canvass. In this respect the Whigs, being in a minority, and having shrewd and experienced party leaders, had the advantage, of which an instance is here given.

Mr. Hubbard, Chairman of the Committee on Federal Relations, reported joint resolutions in regard to the protective policy. Mr. Baldwin, of Sumter, a prominent Whig, offered this amendment: "*Be it further resolved*, That we disapprove of the refusal of the present Congress to repeal or modify the existing Tariff laws."

This amendment, Mr. Hubbard moved to lay upon the table, and it was carried by yeas and nays, every Democrat voting in the affirmative, and every Whig in the negative. Unfortunately for many Democrats who voted for laying the amendment on the table, there was nothing upon the Journal of the House to explain why this vote was given—that the amendment was offered by a Whig as a mere trap to hobble the Democratic party. Handled by expert Whigs the next year, it caused many Democrats to be beaten, or obliged them to give way to others.

Mr. Howard, of Monroe, a young member, but a zealous, bold Whig, who took a leading part on political questions, offered as an amendment:

That no tariff but a horizontal tariff is constitutional; that a horizontal tariff means an *ad valorem* duty upon the necessaries of life and luxuries, indiscriminately.

This amendment was cut off by the previous question. Mr. Howard was in advance of many members of the House. Mr. George Williams, of Henry, a political friend of Mr. Howard, said, in a few humorous remarks, that he thought it would be a good time to simplify the issue upon the tariff, and with that view he moved to strike out "*horizontal*," in the resolution, and insert "*perpendicular*," as the better suited to the understanding of members.

Mr. Howard also brought forward a joint resolution relative to the share to which Alabama was entitled from the proceeds of the sale of the public lands, under act of Congress. His preamble and resolution are the following:

WHEREAS, The State of Alabama, as one of the members of this Union, is entitled to all the rights and benefits arising under the administration of the same;

and whereas, the Government of the United States, at the first session of the twenty-seventh Congress, by an act approved fourteenth September, A.D., one thousand eight hundred and forty-one, appropriated the proceeds of the sales of the public lands, and provided thereby with a certain proviso therein named, that said proceeds should be divided among the twenty-six States of the Union, and the District of Columbia, and the Territories of Wisconsin, Iowa and Florida, according to their respective Federal representative population, as ascertained by the last Census, to be applied by the Legislatures of said States to such purposes as the Legislatures may direct: And whereas, according to the deeds of cession and the Constitution of the United States, said act of Congress is constitutional: And whereas, the State of Alabama in accepting her share of said proceeds will receive that which is due her as a sovereign State.

And whereas, it is more in accordance with the honesty, patriotism and sovereignty for a State to accept her own than refuse so to do, upon the ground that such acceptance will corrupt her free and independent people, as the people of the United States are known to be by the written constitution of their several States, and the Constitution of the United States, and by their act from the day of the declaration of Independence to the present time: And whereas, it is the policy of the State of Alabama, from the great embarrassment in her finances, to resort to every legitimate source of revenue, whether from that source is derived much or little, to redeem her pledges, and to defray the expenses of her Government. Therefore,

*Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it is expedient for the Legislature of this State to pass a law providing for the acceptance of the proceeds of the public lands according to the aforesaid act of Congress.*

By a vote of 28 to 56, the House refused to adopt this resolution, because at the time the Democratic party were opposed to the policy of distribution, regarding it as an offer to bribe the States with money. Mr. Howard doubtless anticipated the fate of his resolution, and he, too, may have agreed with Mr. Adams who voted for the measure in Congress. When a gentleman remonstrated with him at the passage of the bill, saying it was useless, as the States would reject it, Mr. Adams replied, "they will likely reject it at first, *but it is money*, and they will accept it after a while." And it turned out to be so with Alabama. The Legislature rejected it at this session, and the next; but in 1845 it was thought it would aid to the extent of a few thousand dollars in providing the means to pay the public indebtedness—so the Legislature passed a joint resolution to accept it.

#### JUDICIAL ELECTIONS.

As mentioned in the Governor's message, a vacancy existed by the resignation of the Hon. Henry Goldthwaite as Judge of the Supreme Court. In the meantime, the Hon. C. C. Clay had been appointed by the Executive to fill the place temporarily. Judge Goldthwaite having been defeated for Congress, desired to occupy his former station as a matter of justice for the sacrifice he had made; but it seems that Judge Clay was not disposed to yield as a mere party convenience. A competition ensued between

these gentlemen, which was decided on joint ballot of the two Houses in favor of the former—Goldthwaite, 71; Clay, 55.

For the 3d Judicial Circuit, the contest was longer and more stubborn, as the ballotings indicate :

|                           | 1st. | 2d. | 3d. | 4th. | 5th. | 6th. | 7th. |
|---------------------------|------|-----|-----|------|------|------|------|
| For Walker K. Baylor..... | 51,  | 50, | 54, | 54,  | 57,  | 62,  | 71   |
| For William Cochran.....  | 15,  | 14, | 12, | 12,  | 11,  | 8,   | *    |
| For Sydenham Moore.....   | 35,  | 33, | 35, | 37,  | 35,  | 39,  | 57   |
| For John W. Womack.....   | 30,  | 33, | 30, | 30,  | 26,  | 20,  | *    |

For Judge of the 8th Circuit, George Goldthwaite and Abram Martin, Esquires, were in nomination, when the former was elected—the vote being 71 to 54.

For Judge of the 9th Circuit, Messrs. Sampson W. Harris, Green T. McAfee, L. B. Robertson, George D. Shortridge, John J. Steiner and George W. Stone, were in nomination.

|                 | 1st | 2d | 3d | 4th | 5th | 6th | 7th | 8th | 9th | 10th | 11th |
|-----------------|-----|----|----|-----|-----|-----|-----|-----|-----|------|------|
| Harris.....     | 25  | 24 | 37 | 39  | 39  | 33  | 30  | 7   | 9   | 4    |      |
| McAfee.....     | 7   | 4  | 3  | *   |     |     |     |     |     |      |      |
| Robertson.....  | 31  | 29 | *  |     |     |     |     |     |     |      |      |
| Steiner.....    | 9   | 9  | 4  | *   |     |     |     |     |     |      |      |
| Shortridge..... | 40  | 42 | 46 | 49  | 48  | 49  | 49  | 52  | 52  | 51   | 56   |
| Stone.....      | 18  | 18 | 32 | 41  | 41  | 45  | 47  | 48  | 50  | 56   | 58   |

On the eleventh ballot, as shown by the above table, Mr. Stone was elected.

For the office of Attorney-General, the contest was still more earnest and protracted, seven gentlemen, to-wit: Messrs. Benjamin F. Porter, William R. Smith, Robert T. Clyde, B. L. Defrese, Thomas D. Clarke, Henry Stith, and Joseph Phelan, having been placed in nomination, with the following result:

|              | 1st | 2d | 3d | 4th | 5th | 6th | 7th | 8th | 9th | 10th | 11th | 12th | 13th | 14th | 15th |
|--------------|-----|----|----|-----|-----|-----|-----|-----|-----|------|------|------|------|------|------|
| Clarke.....  | 21  | 21 | 18 | 24  | 25  | 28  | 35  | 42  | 41  | 37   | 41   | 44   | 51   | 60   | 65   |
| Clyde.....   | 17  | 14 | 14 | 10  | 9   | 5   | 8   | *   |     |      |      |      |      |      |      |
| Defrese..... | 24  | 25 | 23 | 31  | 30  | 34  | 35  | 39  | 40  | 34   | 36   | 38   | 36   | 50   | 62   |
| Phelan.....  | 22  | 20 | 19 | 23  | 27  | 31  | 36  | 36  | 39  | 42   | 34   | 29   | 26   | *    |      |
| Porter.....  | 14  | 16 | 15 | 16  | 18  | 12  | *   |     |     |      |      |      |      |      |      |
| Stith.....   | 13  | 13 | 12 | 13  | 9   | 11  | 5   | *   |     |      |      |      |      |      |      |
| Smith.....   | 18  | 18 | 15 | 10  | 9   | 6   | 3   | 6   | 6   | 4    | 12   | 14   | 13   | 16   | *    |

The ballotings for Attorney-General occupied a portion of two days. On the 15th ballot, Mr. Clarke was declared duly elected.

For Solicitor of the 2d Circuit, Franklin K. Beck and Thomas J. Judge, Esquires, were the candidates, when the former was elected—72 to 56.

\*Withdrawn.

For Solicitor of the 8th, known as the Montgomery Circuit, eight gentlemen were candidates, as the several ballotings will show:

|                        | 1st | 2d | 3d | 4th | 5th |
|------------------------|-----|----|----|-----|-----|
| Marion A. Baldwin..... | 35  | 41 | 49 | 49  | 65  |
| Samuel C. Dailey.....  | 2   | *  |    |     |     |
| Rush Elmore.....       | 13  | 16 | 14 | 15  | *   |
| Elkin Heydenfeldt..... | 14  | 16 | 13 | 13  | *   |
| Lewis Kennedy.....     | 16  | 12 | 5  | *   |     |
| W. C. Ligon.....       | 19  | 19 | 23 | 30  | 32  |
| George C. Ball.....    | 9   | 16 | 11 | 13  | 22  |
| James M. Wiley.....    | 10  | *  |    |     |     |

Mr. Baldwin having received a majority of all the votes cast, was declared duly elected on the fifth ballot.

#### MILITARY ELECTIONS.

For Adjutant and Inspector-General, Gen. James G. Carroll, the incumbent, and James W. Lang, were in nomination, when the latter was elected—72 to 48.

For Quartermaster-General, Messrs. Carter R. Harrison, James H. Owen, James M. Norment, and John Arnett, were in nomination. On the fifth ballot, Mr. Harrison received 62 votes, Mr. Norment 16, and Mr. Owen 43—Mr. Arnett being withdrawn. Mr. Harrison was, therefore, elected.

It may be proper to state, for the information of those who have never witnessed an election by the General Assembly, or who are not otherwise acquainted with the manner of proceeding, that a full vote of the two Houses on joint ballot is 133; that the roll has to be called on each ballot, and the name of every Senator and Representative entered upon the Journal, with that of the candidate for whom he voted. Thus, in the forty-five ballotings for the Judicial and Military officers noticed as of the session of 1843, the names of the 133 members are repeated on the Journals of the Senate and House, until they amount to 12,000, or thereabout, occupying 24 pages of the printed Journal. All this is unavoidable, as the Constitution requires these entries to be made, as a permanent record. In the elections for Bank Directors, in former days, when candidates by the score swarmed for each Bank, the trouble of conducting the ballots, and the expense of printing the Journals, must have been ten-fold.

Some of the gentlemen who were candidates for office at this session, have been noticed in the preceding pages of this work. To others I will now give my attention, as briefly as circumstances will permit.

\* Withdrawn.

WILLIAM COCHRAN was a Northern man of Irish descent, who settled in Tuscaloosa some years prior to 1837, and became a law-partner of Gen. Crabb, which relation existed many years. He was a chaste scholar, modest and somewhat reserved, and his arguments in court were remarkable for clearness, maturity of preparation, and force. On the trial of Washington Moody, Esq., in 1840, for killing Major John Cantley, in Tuscaloosa, Mr. Cochran was of counsel, with Mr. Ellis and the Hon. J. L. Martin, for the defense, and greatly distinguished himself by his cogent and eloquent display on the occasion, which resulted in the acquittal of Mr. Moody.

The business qualifications of Mr. Cochran were of such a high order, that he was the Commissioner of every State in the Union, it is believed, for attesting the execution of deeds and other legal instruments, and for the taking of depositions, to be used as evidence in other States. Gov. Fitzpatrick availed the State of his services as a Director of the State Bank in winding up that institution, counting, registering, and burning the bills and blank impressions.

For several years the health of Mr. Cochran gave way under a pulmonary affection, and he died in the meridian of life, much regretted by those who knew his exalted qualities in professional and social life. He married a daughter of Mr. Hardin Perkins, of Tuscaloosa, which connection enlarged his influence and contributed to his prosperity. He always maintained a high position in society. He was a nephew of Dr. Cochran, of Pickens county, who married the worthy widow of Col. Joseph Blackshear, of Laurens county, Georgia, and sister of Col. William A. Tennille, the former Secretary of State at Milledgeville.

GEORGE W. STONE is a Tennessean by birth and education, and settled in Talladega about 1835, where he at once entered upon the practice of the law, and his progress is shown by the office to which he succeeded in 1843, on the death of Judge Eli Shortridge, who, at the session of 1842 defeated him before the Legislature.

Judge Stone continued several years on the bench, and in 1849 his name was prominently before the Democratic nominating Convention for Governor. Changing his residence to Lowndes county, he was enabled, by his legal attainments and experience, and his antecedents, to enter at once into a large practice. In 1855, he was elected an Associate Justice of the Supreme Court, which office he filled until the end of the war. In 1865, the Legislature engaged his services, in connection with John W. Sheppard, Esq., to prepare a Revised Penal Code, adapted to the change in the internal affairs of the State, brought about by the results of the war,

and the Code now of force in Alabama is the labor of that Commission. Judge Stone is now engaged in the practice of the law in Montgomery, a partner in the firm of Stone, Clopton & Clanton. His promotion to high places, and the responsible trusts confided to him attest his legal abilities.

As a citizen and gentleman he is much respected, more on account of his high moral worth, than for any particular social qualities. Judge Stone has been a student a great part of his life, and early habits of application in stemming the currents of fortune with which he had to contend, while they have contributed to develop his mental faculties, did little toward the cultivation of the social. His present accomplished wife, whom he married in 1866, was Mrs. Wright, a daughter of Mrs. Harrison, formerly of Lowndes. The Judge is a prominent member of the Presbyterian Church. With fine literary attainments, he has written some good poetry, which has been published.

THOMAS D. CLARKE, elected Attorney-General, was from North Carolina, and came to Alabama when a youth, without patrimony, or much education; but through persevering efforts, and the practice of frugality, he was able to qualify himself for the bar, and settled in Talladega. He was not slow in attracting public notice, and in the summer of 1843 he was nominated by the Democratic party for the House, and was elected. After he obtained the office of Attorney-General, he changed his residence to Tuskalooza, then the seat of Government, where his official duties required his presence. It is not unkind to say that he was ambitious of distinction, and that to open his way to advancement, he felt the necessity of applying all his energies to his profession, and to close study, as the means of success. In this praiseworthy labor, he perhaps overtasked his physical powers, and the failure of his health was the consequence.

Representing the interests of the State in the Supreme Court, where litigated points, civil and criminal, from Courts below, required investigation, the young Attorney-General summoned all his strength to sustain the dignity of his office and the interest of the State. He possessed a high moral courage which enabled him to grapple with difficulties of any kind. His aim was noble, and he proceeded straightforward in the line of duty. When he first appeared in his official character in the Supreme Court, he was a stranger to that tribunal, and was naturally embarrassed. But he toiled on, and by the courtesy of his manners, and the vigilance and efficiency he displayed, he soon became a recognized figure, with the respect of the Court. His rise in professional circles was rapid—the future bright and encouraging. As a gentleman, his habits were strictly moral and temperate. The dream

of life closed with him in 1847, ere he had reached the zenith. A few years previously, he had married a sister of James R. Powell, Esq., now of Montgomery.

JOSEPH PHELAN, of Tuscaloosa, was first elected Assistant Clerk of the House in 1838, and was reëlected in 1839 and 1840. In 1842, and for several years in succession, he was elected Clerk of the House. In 1845, he had opposition in a very respectable gentleman, and received every vote of the House, his competitor not receiving a single vote. This was painful to the kind feelings of Mr. Phelan, who sympathised with the defeated man more than anybody else.

The character of Mr. Phelan was always moral and exemplary. He possessed strong religious emotions, and was a man of deep piety. In 1847, he entered the ministry of the Methodist Episcopal Church, and labored with marked success in the several appointments to which he was sent by the Conference. His health failing, he located, and settled in Coosa county. In 1853, he was elected Secretary of the Senate, and reëlected in 1855. By this time the condition of his health brought him down to a sick room, where he lingered until the latter part of 1858, when he died—a man without reproach, universally respected for his consistent Christian deportment and his high social qualities. At an earlier period of his life he married Miss Laura Powell, a sister of Col. James R. Powell.

MARION A. BALDWIN, the successful candidate for Solicitor of the 8th Circuit, was a native Alabamian, and from his election to his death was engaged in the public service. In 1847, he was elected Attorney-General of the State, which office, after the removal of the Seat of Government to Montgomery, embraced the Solicitorship of the 8th Circuit. In 1851, again in 1855, and again in 1859 and 1863, he was reëlected, and continued in office until the overthrow of the Confederate cause, making a period of twenty-two years in which he was engaged as a prosecuting officer for the State, during which time his efficiency was acknowledged, so that no complaint was heard of a want of faithfulness, or that the majesty of the law, or the dignity of the State, had in any degree been compromised. He represented the State in all cases in which it was a party, with an ability that fully came up to the high standard of official and professional duty, and the same elevated tone of character was maintained in all the relations of life.

The exalted qualities of Col. Baldwin were obvious to all. As a man, his good nature, his accommodating disposition, his pleasant manner, his cheerful smile and beaming countenance made

him a general favorite. Entirely free from moroseness, his ready and winning response to the kind salutations of friends, was a joy of itself, and will long be remembered by hundreds and thousands who have respected and admired him. Of enemies he had but few, if any; for none could be his enemy, unless from feelings of envy. He was so kind and self-sacrificing in his intercourse with men, that I never knew how any could dislike him. His earthly career closed in August, 1865, in the meridian of life, with bright prospects from mature character and influence among his fellow-men. The name of "Gus" Baldwin will, wherever mentioned, fall pleasantly upon the ear throughout the generation that knew him.

RUSH ELMORE, a son of Gen. John Elmore, was raised in Autauga county, and came to the bar a year or two before this contest for the Solicitorship in 1843. He served in the Mexican war as Captain, and returned home with a good name for bearing, and correct deportment as an officer. He was soon after elected Brigadier-General of militia. Continuing the practice of the law until 1854, he was appointed by President Pierce a Judge of the United States Court in Kansas, and afterward made his residence there, except that during the war between the States, he retired to Texas as a *climate* more congenial to his political feelings. Not long thereafter he died.

Judge Elmore was a gentleman of great warmth of social feelings, which were cultivated and developed in his intercourse with his fellow-citizens. He was honorable in his bearing and dealings, and when he departed from Alabama to Kansas, he left behind him many warm friends who had already become attached to him though he was still considered as belonging to the class of young men.

GEORGE C. BALL was a native of Virginia, where he was liberally educated. On his removal to Alabama, he settled in Montgomery as a member of the legal profession, and was for several years associated in the practice with Charles Cromelin, Esq. In 1848, he was appointed Clerk of the Supreme Court, an office he held many years and then resigned. He married a sister of Col. Charles T. Pollard, of Montgomery, an alliance which secured him a strong influence.

Mr. Ball was a gentleman of fine person and culture, with rare conversational powers. In addition to his legal attainments, he possessed a business capacity which opened up to him a successful future. His social qualities were of a high order, and indulged to excess, until that unguarded habit fastened upon him which too often enslaves a warm, generous and confiding nature like his.

He died before his day-star had reached its meridian. In the amenities of social and official life, which the writer enjoyed in friendly intercourse with him for several years, Mr. Ball had but few equals. He was kind to everybody but himself.

J. McCaleb Wiley was born in Cabarras county, North Carolina, in 1806. While he was at school his father removed to Alabama, and in 1823 he came to his father in Lawrence county, and in a few years he began a career of adventures.

From North-Alabama, Mr. Wiley removed to Dallas county, and thence emigrated to Louisiana in 1829. Being in bad health he was advised by his friends to spend the winter of 1832-3 on the Gulf of Mexico. Accordingly he went to Matamoras, and stayed there until the first of February. He then started across the country to Parol, and was robbed on the journey. He managed to get down to Tampico where he was aided by the Americans, and he again started. He found a caravan at Papanela, and went with it to the city of Puebla. Thence he set out for Mazatlan on the Pacific, and being two and a half days on the journey, he was again robbed, and then went back to the Gulf at Tuespan where had spent some time. Whilst there he was induced by Gen. Santa Anna to join the regular army, and became his Aide-Camp, with the command of a Major of Infantry, in October, 1833. He remained in the Mexican army until 1836, when he deserted.

In the meantime, Major Wiley passed through many perilous adventures, in battles and otherwise. Among them, he was ordered to Texas in 1836, and on refusing to go, he was tried by a court-martial and sentenced to be shot. He was confined in the castle of San Juan de Ulloa, at Vera Cruz, when the battle of San Jacinto was fought on the 21st of April, 1836, and was finally discharged from the Castle, and from arrest, without any intimation from any human being as to whom he owed his deliverance. He always thought, however, that there was a certain *mystic influence* which, by its labor of love, wrought his liberation. On his release from imprisonment he was ordered to duty.

At this time, the Americans in Mexico were in very bad odor, and he took the first *private* opportunity to escape, and to return to Alabama, since which time he has remained a quiet citizen, with enough of romance in his early manhood to render old age the more tranquil and indulgent.

After his return from Mexico to Alabama, in 1836, Mr. Wiley settled in Bibb county. In 1839, Chancellor Crenshaw appointed him Register in Chancery, when he removed to Clayton, Barbour county, where he continued to reside until January, 1850. He then removed to Troy, Pike county, his present home.

In politics, Mr. Wiley, was an old fashioned Whig, and in 1850 and 1851, he took an active part with the Union men to prevent the mishaps which have since occurred. At an earlier period, so far back as 1838, he was a candidate before the Legislature for the office of Solicitor, and was defeated by F. S. Jackson, Esq. As some recognition of his claims to public favor he was elected Major-General of Militia, in the Barbour Division. In 1852, Gov. Crawford, the Secretary of War, appointed him one of the Board of Visitors to the Military Academy at West-Point.

Gen. Wiley was elected Grand Master of the Grand Lodge of Masons, in Alabama, of which institution he is a zealous member. In 1865, he was appointed, by Gov. Parsons, Judge of the Eighth Circuit, but was beaten before the people by Gen. Clayton. In 1866, he was elected to Congress from the Montgomery District, to supply the place of Major Freeman, but was not permitted to take his seat. When the reconstruction measures of Congress took effect in Alabama, he was elected Judge of the Circuit Court—holding the office now, (1871). In social circles, Gen. Wiley is affable, communicative, and companionable.

Although some of the gentlemen who are noticed as candidates in the preceding pages of this chapter, may not have been connected with public life, to the extent of acting a part in history, still it has been deemed proper to refer to them, briefly, while passing through the crowd, to which circumstances have brought the author of this work in a relation more or less familiar. In the next chapter, the course of legislative action is resumed, with a number of personal sketches.

## CHAPTER XXI.

*Session of 1843 Continued—New Senators—Sketches of the House.*

But few changes had been made in the Senate by the elections of 1843. John W. Bishop succeeded Gen. McConnell; John A. Winston took the place of Mr. J. E. Jones; Gen. Moses Kelly succeeded Mr. Baylor; Dr. Berney succeeded Judge Hunter; Mr. Robert S. Hardaway followed Mr. Buford; Robert Dougherty succeeded Dr. Dailey; Mr. W. L. Yancey succeeded Mr. Hall, and Solomon McAlpin succeeded to the seat of Judge Thornton. A passing notice of some of these gentlemen is necessary:

DR. JAMES E. BERNEY, of Lowndes, is a South Carolinian, and served only this session in the Senate. He was a Whig of the Henry Clay school, and upon party questions maintained his principles. As a legislator, he was active and attentive in the discharge of his duties, to which he brought a large fund of information. In social life, his qualities shone brightly, and the zest of his humor and good nature brought about him always a circle of friends who delighted in his society.

He came to Alabama a young man, in the practice of his profession, and married a daughter of the Hon. Reuben Saffold, who was a member of the Convention in 1819 which framed the State Constitution, and afterward occupied, for years, a seat upon the Supreme Court bench. Dr. Berney still lives, in the vigor of life and usefulness as a physician.

ROBERT DOUGHERTY, of Macon, was from Georgia, where he graduated in the University, and served in the Legislature of that State. He was a brother of the Hon. Charles Dougherty, distinguished in the legislative and judicial history of Georgia, in whose honor a county has been named; and also a brother of William Dougherty, Esq., of Atlanta, one of the most eminent members of the Southern bar. This family connection is alluded to merely to indicate that abilities of a high order were natural in his case. They had been well improved by education, and when he appeared at the session of 1843, he was a perfect specimen of fine health and temperate habits, openly espousing the temperance reform, and allying himself with the movement.

He was a Whig of very decided convictions, and could relate anecdotes with provoking pungency to ridicule his opponents, as well as to serve his own cause. Some of his stories have been incorporated in books, as among the very best from any source. His manner was inimitable. He related an adventure which he professed to have had with a large alligator in the Alabama River, he found sleeping in shallow water, and whose back he straddled, while the alarmed animal instantly made into deep water with his reluctant rider, who had a remarkable voyage for a mile or two, sometimes half-drowned, before he could extricate himself, or run his *craft* on a sand-bar. All the particulars of this odd adventure were given with minute precision, and with such gravity, that Judge Collier who happened to be present, and who never indulged in humor, or suspected *invention* in others, was much impressed by it, and related it to a number of his friends, ladies and gentlemen, at his fireside, as a remarkable instance of the goodness of Providence in rescuing Mr. Dougherty from his perilous situation. Upon this being casually mentioned to the latter gentleman, with a hint that the pious Judge expected he would become a minister of the Gospel after such deliverance, almost as wonderful as that of Jonah, he seemed to be a little confused, and desired his friend, the first time he met with the Judge, to signify that the affair with the alligator had been a little exaggerated—in fact, that it had never occurred at all, and was intended merely as a joke to amuse the company. In what light the grave Chief Justice regarded the *veracity* of Mr. Dougherty afterward, or his peculiar qualifications for the ministry, never transpired. The great story-teller was often bantered on the subject by his jovial companions; but he seemed not to relish the fun, and begged as a favor that they would say no more about it.

The practical jokes of Mr. Dougherty were sometimes very *expensive* to his friends, in the way of comfort. He weighed not less than two hundred pounds, and was the very picture of robust, vigorous manhood. He was very intimate with Mr. A. B. Clitherall, Assistant Clerk of the House, who was a tall, sickly-looking man, though full of wit and humor, and always ready for a prank. Mr. Dougherty assured him that cold bathing, Summer and Winter, every morning, would make him as stout and healthy as himself, and begged Mr. Clitherall to accompany him in one of his visits to the Warrior River, at Tuskalooza, where he was in the habit of taking a plunge and a good swim at the dawn of each day during the session—the water, at that hour, being of mild temperature, and very pleasant to bathe in. There was no mistake in the comfort of the operation, nor in its efficiency to make a new man, a strong man, a very effective man, physically, of the novitiate.

Mr. Clitherall consented to try the experiment, and if it agreed with him he would continue the practice. A certain morning was appointed, which happened to be cold and frosty. The friends went to the river at dawn of day, and, after divesting himself, Mr. Dougherty plunged in head foremost, rising and swimming like a duck, praising the water for affording him warmth against the cold atmosphere. By the time Mr. Clitherall was ready to follow, his teeth began to chatter, and he felt very much like having an ague; but being encouraged, he threw himself into the water, and being perfectly satisfied with one dip, he came out, hastily putting on his garments, as if life demanded their protection. His whole body quivered in the cold like a leaf shaken by the wind. His face and his finger-nails turned purple. He was the very image of despair and suffering. Mr. Dougherty told him that his distress was caused by not remaining in the water long enough to produce a reaction, which was probably true; but the Assistant Clerk did not concur in that opinion, and vowed that it was his last Winter bath. They both related the adventure with such fringing as the rich cloth seemed to require, which always afforded amusement to others.

Mr. Dougherty was in mind and in logic a strong man, and a very earnest debater, with a voice of considerable power, and a person quite commanding. He was so intensely Whig in his principles, that he seemed to have little charity for opponents, and by this spirit his influence was sensibly diminished. He was a good lawyer, made able reports from committee, and was very attentive to his public duties. His Senatorial term closed in 1844, after which he retired, to devote himself more entirely to the practice of his profession. When, in 1850, the choice of Judges was given to the people, he was elected Judge of the Ninth Circuit, a position which he continued to hold under the changes of government, until the surrender, in 1865. In reorganizing the State Government, Provisional Governor Parsons appointed him to his old office, the duties of which he continued to discharge until he was superseded by the reconstruction measures of Congress, shortly after which he died.

There is one light in which the character and example of Judge Dougherty should be held up to public view, and it is with reluctance that I refer to it. After his first election as Judge, his temperate habits began to give way, and his downward course in this direction, was rapid, and brought him to a premature grave, which should serve as a warning to youth, and to men of mature age, to keep at a distance from the temptation. His social qualities were very attractive and exuberant, and when in the best of his days, before a blight had withered his moral nature, he could keep a circle of friends in a constant roar of laughter for hours at a time.

His stories were his own, told in his own way, and admit of no transfer to paper. His admirers were many, and his friends not a few. How much to be regretted that a man so genial, and so fully qualified to add to the happiness of others, and withal to render substantial service to his country, should become a wreck, and pass away under a cloud! This was the fate of Judge Robert Dougherty, who died at home, in 1868.

ROBERT S. HARDAWAY, of Russell, a native of Virginia, made his first appearance in the Senate at this session, and continued a member of that body until 1847. He was an intelligent planter, modest and reserved, and seldom participated in debate. His disposition was enterprising, and he had considerable skill in the management of corporations. Business of this character induced him, after the conclusion of his Senatorial service, to remove to Columbus, Georgia. In his deportment, he resembled the olden school of gentlemen; sedate, dignified, and courteous, without any manifestations of humor or hilarity. He was a member of the Methodist Episcopal Church.

At the session of 1845 Mr. Hardaway introduced the bill to incorporate the Girard and Mobile Railroad Company. The Montgomery delegation in the Legislature supposed that the work contemplated would interfere with the prosperity of their city, by diverting trade in another direction. While they admitted the justice and benefits of the proposed line of communication to the people represented by Mr. Hardaway and others in that section of the State, the delegation said they were instructed by their constituents to oppose the charter, and they would be compelled to vote against it. The question of removing the Seat of Government from Tuscaloosa, in the form of an amendment to the Constitution, was then pending in the Legislature, and the vote of Mr. Hardaway against the proposed change would defeat it in the Senate. He saw his opportunity, and took occasion to inform the members from Montgomery, that, if they persisted in opposing his railroad bill, he would return the compliment on the question of "removal." This hint was enough. Mr. Hardaway obtained his charter, and Montgomery the Seat of Government, through votes thus accommodated to the emergency.

After the lapse of twenty-five years it may be added, that, in the opinion of many, the railroad constructed under this charter has largely increased the business and wealth of Columbus, where Mr. Hardaway still resides. For many years he has been President of the Board of Directors.

GEN. MOSES KELLY, of Jefferson, had served in many public stations previous to 1843, and continued, with very little intermis-

sion, until 1853. He was a Brigadier-General of Militia, and later in life, Judge of Probate for the county of Jefferson. Without pretending to a great deal, he filled many public trusts with uniform fidelity, and thus secured the public confidence. He was a Democrat of the old Jackson type; served under him in the Indian war, and his kind recollections of his old commander, and his high regard for him, were apt to be shown on the 8th of January, the anniversary of the battle of New Orleans. He was faithful in his friendships, obliging in disposition, and gentle in his manners.

Gen. Kelly was a brother of the Hon. William Kelly, Senator in Congress from Alabama, 1822-25, a lawyer of high standing, and a brother also of the late Isham Kelly, Esq., a rising young lawyer in Pickens county, who married a daughter of Mrs. Harriet Herbert, of Tuscaloosa, and who died from consumption in the morning of life. Gen. Kelly, himself, has been dead several years.

#### MEMBERS OF THE HOUSE, 1843.

Of the one hundred constituting the House of Representatives, a number had served at previous sessions, who have been noticed elsewhere in this work. To others, especial attention is now paid.

ENOCH ALDRIDGE, of Blount, was a member of the House in 1837, and continued, with occasional intermissions, in one or the other branch of the Legislature until the secession of Alabama in 1861. Although far beyond military age, he entered the service of the Confederate States, and, if I mistake not, was Lieutenant-Colonel of the 47th Alabama Regiment, commanded by Colonel Sheffield. He was in several battles, and was wounded at Cedar Run, in Virginia, which compelled him to leave the service, with the savor of a good name and a brave soldier.

Col. Aldridge was a well-informed, vigilant and useful member of the Legislature, and often spoke informally on the merits of a question, but always with good sense and to the point. As chairman of the Committee on Accounts, (a position generally assigned him) he was particularly watchful of the interests of the State, and if a claim passed his scrutiny it was generally considered all right. He was a Democrat of the old school, who, without confusing his head with abstractions, looked every four years to the National Democratic Convention as the exponent of his political faith. He still resides in Blount county, respected as a citizen, and for his long and faithful service both at the Capitol and in the field.

DECATUR C. ANDERSON, of Marengo county, for the first time elected to the House, was a young lawyer of fine abilities, gallant in bearing, and the model of courtesy. In 1851, he was elected Solicitor of the Mobile Circuit, the duties of which office he performed faithfully and efficiently. Since that time he has resided in the city of Mobile, in the practice of his profession.

JOSEPH G. BALDWIN, of Sumter, a native of Virginia, was decidedly a young man of rare gifts and cultivation. He was a lawyer in good practice, and at once took a high rank in debate, and in the business of legislation.

On the resolutions of Mr. Taylor, of Butler, to rescind the white basis in the formation of Congressional Districts, Mr. Baldwin made a speech of acknowledged power, which was published in a pamphlet of sixteen pages. A brief passage is here given:

My constituents, sir, find themselves, since the last session of this body, deprived of a large portion, in fact, almost of a moiety of the political power which they enjoyed before that time. A sudden, violent, an unprecedented innovation was made upon the manner of exercising the noblest franchise they enjoyed, equivalent, in its operation, to taking from them nearly one-half of the political power they possessed; and they have a right to demand that the strongest, most convincing reasons should be given for that innovation, and for that enforcement of their rights. They will not be satisfied with less. No artful appeals to party feelings; no juggleries of State; no mere arrangements of political maneuvers to create party capital by the deprivation of their rights, will excuse, or palliate to them what they esteem a reckless scheme of legislative robbery.

The closing paragraph is as follows:

But the South may, notwithstanding all the efforts of her enemies, rest secure, as long as she is true to herself. They will be safe no longer. Her rights are guaranteed by the Constitution. I, for one, am for preserving the guaranty. I am for upholding the banner as planted by our fathers in the deep granite of that charter. After all, sir, that banner, guard it as we will, *may* go down. Pressed upon and overwhelmed by external foes, our united strength may not be able to bear it up. It may go down by the charge of banded zealots from without; nay, sir, it may fall by the paracidal hands of those who should defend it to the last extremity with "life, and limb, and terrene honor." But one thing I know full well: when it *does* go down, many a true Southern heart—many a gallant Southern spirit—will go down with it.

From this specimen, the abilities of Mr. Baldwin in debate will be at once recognized. He was a Whig, and a skillful tactician, giving trouble and anxiety to his opponents at every move on the political chess-board. He was courteous, and always confined himself within parliamentary rules in his efforts on the floor. A man of great firmness, he never blustered. He respected the personal rights and feelings of others in discussion, and demanded the like civilities to himself. On a few occasions, his strong blows touched the nerves of an opponent, so as to provoke interruption; but he was at all times self-possessed, and never failed to satisfy the complaint by a candid explanation.

In 1849, Mr. Baldwin was brought forward by the Whig party as a candidate for Congress in opposition to the Hon. Samuel W. Inge, in the Tuskaloosa District; but his Democratic rival had the advantage of knocking down an abolition member on the floor of Congress in a general *melee*, and this gave him much prestige. The District was ably canvassed by both gentlemen, and Mr. Baldwin defeated by a small majority.

In the midst of his professional labors, Mr. Baldwin found leisure to write the "Flush Times of Alabama and Mississippi," mostly descriptive of persons and scenes well known in the section where he resided, at a period extending from 1833 to 1840, when commercial credits were freely given, and speculation prevailed on a very small money basis, and extensively at times without any basis at all. Then a series of financial experiments followed, in loans from the State Bank to debtors, and the formation of private banking associations, whose stock consisted of real estate on mortgage, upon the faith of which notes were issued for circulation, generally payable twelve months after date in gold or silver. How the latter was to be provided, did not exactly appear; nor did the people seem to care so that they had *lots of money* to trade upon while the *times were flush*. This work of Mr. Baldwin was an admirable hit, containing a variety of transactions in detail, with scenes in Court and elsewhere, rich in originality and characters, and rarely surpassed in the humor of the narrative. The work was published in New York, and found ready sale.

Mr. Baldwin was also the author of another work of merit, entitled, "Party Leaders," in which Jefferson, Hamilton, Adams, Randolph and Clay were introduced as representative men, with contrasts and parallels well delineated, showing a great fund of information, and remarkable power of analysis, in the writer.

He married a daughter of the Hon. John White, a Judge of the Circuit Court previous to 1830. Not satisfied to remain in Alabama, where the political majority precluded the gratification of his hopes of preferment, Mr. Baldwin, not long after his defeat for Congress, removed to California, where his distinguished talents and legal capacity soon obtained for him a seat on the bench of the Supreme Court of that State, an office which he held at the time of his death, a few years ago.

FRANCIS BUGBEE, of Montgomery, is a Northern man by birth, but settled in Alabama at an early day, to practice his profession as a lawyer. He served in the Legislature only at the session of 1843, but brought with him into the House an extensive knowledge of business which made him a useful member. He was thirty-five years consecutively a Trustee of the University, having been elected in 1836 to that honorable position.

In 1844, Col. Bugbee was selected by the other Trustees to examine the financial condition of the University, the lands granted by Congress, the endowment and income from all sources, the expenditures of the fund, and the amount borrowed from the State Bank. At the session of 1845, he made an exceedingly able report, minute in detail, and complete in statement, which was published in pamphlet form by order of the Legislature.

The account of the State in relation to University lands, and the loan from the State Bank to the Trustees is thus condensed:

|   |              |
|---|--------------|
| Loss to University by Relief Laws.....  | \$144,239.18 |
| Interest for 3 years at 6 per cent.....   | 25,963.05    |
| Profits, estimating same at 12 per cent., made by the Bank previous to<br>1837, over 6 per cent. allowed..... | 108,962.00   |
| Balance due University from the State .....   | \$279,164.23 |
| Deduct notes of University held by the Bank.....  | 64,500.00    |
| Balance due the University.....   | \$214,664.23 |

This document afforded evidence of the superior business and legal qualifications of Col. Bugbee. During the whole period in which he served as Trustee, he seldom failed to attend a meeting of the Board, or a Commencement at the University. To his zeal and fostering care the institution is greatly indebted for its good management in former years.

Upon the reorganization of the State Government in 1865, Provisional Governor Parsons appointed Col. Bugbee a Judge of the Circuit Court. In his brief administration on the bench, he displayed an ability and fitness for the high place which was creditable to his character and satisfactory to the public. In 1866, President Johnson appointed him United States Attorney for the Northern District of Alabama, a position which he filled in a praiseworthy manner until he was displaced by President Grant.

Enough has been said to show that Judge Bugbee is an old, faithful public servant, and deserves, what is accorded to him with great unanimity, the respect and confidence of the people. He would have made an excellent Master of the Rolls in a British Court of Chancery, where learning, patience, and strong power of analysis, are required to bring order out of confusion. Judge Bugbee still resides at Montgomery, and, with his mature experience, is engaged in the practice of the law.

CHARLES DEAR, of Wilcox, was returned to the House in 1842. His first effort on the floor made it necessary to refer to a number of legal authorities in support of a measure he had introduced in relation to land titles; and from the facility and closeness with which he urged the point, he convinced the House that he was no

stranger to the books of his profession, or the mode of establishing his premises. He was an industrious member, and a diligent observer of proceedings. When he engaged in debate, he usually dealt in facts and figures, and in sensible views of any question before the House—never in empty generalities, as if for the mere pleasure of showing how well he could talk.

At the session of 1843, Mr. Dear was again a member, and was appointed Chairman of the Committee on Propositions and Grievances, and his frequent reports on the multiplicity of matters referred to that Committee brought him prominently and favorably before the House. He generally searched for the truth, and spared no labor in the pursuit. Indeed, he was so given to books and legislative documents, that he rarely found time for social intercourse, on which, indeed, he seemed to place but little value as a source of enjoyment. He established a good name in the public service, and voluntarily retired, to follow more profitably his double vocation of planter and lawyer. He was a Whig in politics, and still resides in Wilcox.

PLEASANT HILL, of Bibb, was returned to the House in 1843. He was a son of James Hill, Esq., who was for many years a prominent Senator from Bibb county, and who participated freely in the movements of the Democratic party in his day. Mr. Pleasant Hill was liberally educated, and endowed by nature with a good mind and much genial humor. His social qualities were of a character to draw around him many friends and admirers.

In 1839, and again in 1840, he was elected Secretary of the Senate, which position brought him and the writer, who was the Clerk of the House of Representatives, into constant communication, official and otherwise, which enabled him to understand and appreciate the many good qualities of his associate. In 1844 and in 1855, he was again Secretary of the Senate, and made an efficient and popular officer. He had many friends wherever known, and was his own worst enemy.

Mr. Hill married Catharine J., a daughter of S. W. Davidson, Esq., a wealthy planter of Bibb county, who was also a member of the House in 1840. In looking back on the past, there is no one associate in public life of whom the writer has more agreeable memories, than of Pleasant Hill. He died before he reached middle age.

WILLIAM B. H. HOWARD, of Monroe, appeared for the first time as a member of the House at this session. He was from South Carolina, and was well educated. After completing a course of legal studies, he was admitted to the bar, and settled in Claiborne for the practice of his profession. He married Miss Gail-

lard, a connexion of the distinguished Carolina family of that name, of whom was the Hon. John Gaillard, a Senator in Congress from 1804 until his death in 1826, during which time he was President, *pro tempore*, of the Senate, continually, from 1814, except in the year 1819, when the Hon. James Barbour, of Virginia, officiated.

It was the law in 1843, and for years previously and subsequently, for members of the Legislature to take an oath, that they had not been concerned, as principals or as seconds, in fighting a duel within a specified time. When Mr. Howard advanced to the Speaker's chair to be sworn, that oath was not administered to him, as he had been specially exempted from taking it by an act of Assembly for his relief—he having been engaged, within a few years, in a dueling transaction. Indeed, a mere glance at his physiognomy and bearing would satisfy any one that chivalry was a part of his nature.

The resolutions he offered, to accept the distributive share of the proceeds of the public lands to which Alabama was entitled, have been included in a preceding chapter. His speech in their support was able, spirited and patriotic, savoring, perhaps, a little too much of party bias, as he, a Whig, undertook to teach the Democratic majority their duty in behalf of a measure to which they were disinclined on principle. The views of Mr. Howard, and the principles on which he acted were no less worthy of respect; and it must have been a triumph to him that his policy was adopted by the Democratic majority at another session.

As a debater, Mr. Howard had considerable power. He had fine command of language, a well disciplined mind, and a delivery at once animated and pleasant. Owing to a sanguine temperament, and the lofty standard of action which he had prescribed to himself, he was at times a little rash and intolerant toward those who differed from him in opinion. Yet the departure from the strictest parliamentary decorum was but momentary, and he seldom failed to rectify, of his own accord, any seeming error or injustice into which his strong feelings had betrayed him in the ardor of debate. Bold, impetuous and daring in his flights of eloquence, he often surprised and gratified his audience, and perhaps as often wounded the sensibilities of a portion whose political tenets did not accord with his own. Had he been less fiery in his disposition, and more conciliating in his manner, his influence would, no doubt, have been more largely extended. At all events, his talents were beyond question, and he was acknowledged as a leading member on the Whig side of the House. His social intercourse partook, to some extent, of his earnest political attainments, and it is probable that he was satisfied to let the Democrats, who controlled the Legislature for their own purposes, as he

imagined, remain undisturbed by his personal attention. At least, such appeared to be his course at the first session. Further experience, it is believed, led to a more generous habit, and his former sternness has been partially laid aside.

At the session of 1844, Mr. Howard again returned to the House, and took a high position. Afterward he withdrew from public life for a while and in 1848 he removed to New Orleans, as a better field for professional enterprise and success. At the bar of that city he was brought in contact with many distinguished gentlemen, who exchanged with him the courtesies due a stranger. About that time, Messrs. S. S. Prentiss, Isaac T. Preston, William Elmore, Pierre Soulé, Randall Hunt, J. P. Benjamin, M. M. Cohen, Christian Roselius, William C. Micou, and William J. Vason, were in full practice among the recognized lights of the profession. The Hon. John Slidell, and the veterans, John R. Grymes and Mr. Mazareau, were then retiring, and seldom appeared in court unless on important occasions. The Civil Law being of force in Louisiana, which in its principles, rules, and practice, was so wholly different from the common and statute law system to which Mr. Howard had been accustomed in Alabama, that he no doubt became discouraged. From New Orleans he went to California, where he remained several years.

Returning to Alabama, Mr. Howard settled in Mobile, and, in 1855, was one of the members elected to the House from that county, on the Know-Nothing, or American ticket. His confidence in Gov. Fitzpatrick, who was that year re-elected to the Senate of the United States, induced him to interest himself actively to prevent any organized opposition to him, and in this he succeeded to a great extent. After 1855, Mr. Howard retired from public life, and I saw but little of him until 1864, when the war was raging, and all the energies of the South were called for to arrest the onward march of the Federal armies. I met him in Montgomery, dressed in the coarse homespun gray of a Confederate soldier, a *private*, hastening to report for duty, in the ditches, after a short visit to his home on furlough. The contrast between his appearance in 1843—a bold, finely dressed, dashing young Southerner, battling manfully for his principles on the floor of the House—and the private soldier of 1864, in the garb mentioned, was truly striking. But he carried in his heart the same devotion to the South in the one position as in the other, always heroic in courage, always ready to give his fortune or his life to his country whenever she needed the sacrifice. A nobler spirit never breathed in legislative halls, or flashed its energies in the field.

After the war, Mr. Howard, in 1865, was elected Solicitor of the Twelfth Circuit, over very formidable opposition. He continued to discharge the duties of that office with ability and effi-

ciency, until he was superseded by the reconstruction measures of Congress. He now resides in Camden, Wilcox county, engaged in the practice of the law. The lights and shadows of life, and the vicissitudes of the last twenty-seven years, of an active, spirited career, have left some marks upon Mr. Howard; but, in addition to his mature intellect, he still retains the manly form, the expanded forehead, and the beaming face of former years.

DAVID C. HUMPHREYS, of Morgan, served, in 1843, his first session in the House. He afterward removed to Huntsville, and represented Madison county several years. He was a lawyer by profession, with a clear, penetrating, logical mind, which gave him prominence in debate. In fact, he was intellectually a strong man, in a small, nervous, feeble frame, which sometimes operated against the full exhibition of his powers. His manner was simple and unpretending, and in his associations he was true and confiding. A National Democrat, he espoused the cause of Mr. Douglas in 1860, and was a delegate to the Convention of that party in Baltimore. He was opposed to secession, and did all he could to prevent it; but after the act was done, and trouble came, he entered the Confederate service as a private, and, I think, rose to the command of a regiment. He afterward left the army, and remained at home to the end of the war.

In the organization of parties in the South, after the surrender, he allied himself with the Republicans, and under their control of the Government of Alabama, he was a candidate before the Legislature for United States Senator, but was beaten by another member of the party. Soon thereafter he was elected to fill a vacancy in the House from Madison county, and served to the end of the term. More retently, he has been appointed by the President, and confirmed by the Senate, as Judge of the Supreme Court of the District of Columbia, which office he now holds.

While the late political course of Mr. Humphreys has separated him from many old and long-cherished friends in Alabama, it is due him to say that in other days he was esteemed a gentleman of probity and character, and of kind, generous impulses. He is no doubt an excellent Judge, upright and impartial.

BAKUS W. HUNTINGTON, of Tuscaloosa, was from one of the New England States, and settled in Alabama as a young lawyer, about 1838. He became a professional partner of the Hon. Joshua L. Martin, and married a daughter of Daniel M. Riggs, Esq., formerly Cashier of the State Bank. Thus favorably connected, both in the practice of the law and in his social relations, he seemed to press forward to a bright destiny. He was well educated, and his talents were far beyond ordinary.

In 1843, he was elected to the House as a Democrat, and plunged at once, with great self-reliance, in the debates on all important questions. His literary culture gave him a good style, and his legal training supplied him with arguments, so that he often appeared to much advantage on the floor. On the *white basis* he made a very elaborate speech, which was creditable to his intelligence, and his manner as a speaker. Mr. Baldwin deemed it worthy of a reply, and gave it special attention. The misfortune of Mr. Huntington seemed to be too great a consciousness of superiority on his part on all occasions, whether in the Legislature, or in the court-house. This conviction of power in himself led him too often into discussion, as if his opinions, and his reasoning faculties, were essential to unfold almost any subject before the House. By this unfortunate habit, he lost much of his influence. A man is sometimes more valued for his silence, after he has shown the ability to talk well. This lesson might be usefully studied by many others in the Legislature who have proclivities in the same direction.

Mr. Huntington was again a candidate for the House in 1845, and was beaten. After the election of Judges was given to the people, he canvassed for office in the Seventh Circuit, and was elected Judge of the Circuit Court. After occupying the bench a few years, he resigned, and returned to the North, settling in the city of New York, for the practice of his profession. From last accounts, between 1854 and 1858, he was indulging a little too freely in the use of wines and other *comforting* beverages. Since then, I have no very precise information about him. He had merit enough to command success anywhere, if his personal address could be a little more subdued, and less tinged with self-complacency.

HENRY C. JONES, of Franklin, served in the House at this session. He was raised in North-Alabama, and educated at La Grange College.

In 1841, a young man, comparatively a stranger to the Legislature, he came to Tuscaloosa, seeking the office of County Judge, but received little encouragement from the members of his county. Indeed, by some of them he was repelled, and told that he might go home, for he could not get the office. Timid and discouraged, he left; but he had mingled to some extent among the members, and made a good impression, among whom the opinion soon got abroad that he had been badly treated. The tide then began to flow in his favor, so that when the election came on, he had a majority of votes in his favor, although he was not present, and ceased to expect the office.

Judge Jones brought into the Legislature a mind well culti-

vated, and practical, with ready speaking abilities, and soon became one of the active business members. After serving many years in the House, he was transferred to the Senate, exhibiting maturity of mind and legislative talent which gained him prominence in the deliberations of that body. He was a Democrat, and entered fully into the councils of the party. In 1861 he was a member of the State Convention called upon the election of Mr. Lincoln, and took a decided stand against the Ordinance of Secession, opposing it with all his influence and ability in debate. Notwithstanding, he was elected by the Convention a deputy to the Congress of States, to assemble at Montgomery, for the purpose of forming a separate Government for the South. This was no small compliment to him, considering how he had opposed the wishes and views of the majority. After this service he retired, and engaged in his profession as a lawyer, settling, I think, in Florence, where he now resides, in the meridian of life, enjoying the confidence and friendship of his fellow-citizens. He is a member of the Methodist Episcopal Church.

NORMAN McLEOD, of Pike, was a North Carolinian who settled in that county a few years previous to 1840. In 1841, he first took his seat in the House, and served again in 1843, and at the session of 1849. He was a weakly man, physically, and retired, after 1849, and never again sought legislative honors.

Mr. McLeod was a planter, and a citizen of influence, maintaining, through life, an unblemished reputation. He was a Democrat in principle, but Catholic in his general views, and social in his disposition. As a member, he took decided position among the business men of the Legislature, with a mind strong, and comprehending the questions of State policy under consideration. He was much respected for his frank and straightforward course, and for his attention to business, as well as for his high traits of Christian character. When he died, a few years ago, the State lost a good citizen and an honest man. He was a member of the Presbyterian Church.

JOHN W. PORTIS, of Clarke, was elected to the House in 1843 as a *mixed basis Democrat*, and took an active part in the debates upon that and other questions during the session. He considered the adoption of the white basis as a serious blunder, and predicted trouble from it. He was reelected in 1844, and served through the session with the activity and usefulness of a well educated, intelligent young lawyer.

He was a Trustee of the University from 1844 to 1858, earnestly endeavoring to promote the success of the institution in the changes which had been adopted some years previously in the

course of study. He usually attended the State Democratic Conventions, and was a delegate to the Conventions of that party at Cincinnati, Charleston and Baltimore.

In the war which followed the secession of the Southern States, he warmly embarked—volunteered as a private in April, 1861, and was thereafter placed in command of a regiment. Col. Portis is a native of North Carolina, born in 1818, but removed to Alabama when quite young. He received his education at the University of Virginia, and studied law in the office of Messrs. Cooper & Parsons, at Claiborne, and after his admission to the bar, he settled at Suggsville, where he engaged in the practice of the law and in planting in the vicinity. He is connected with a large family, some of whom have held public places in the State. He is justly esteemed a well-read lawyer and cultivated gentleman, and is a member of the Methodist Episcopal Church, South.

Col. Portis is a brother of David Y. Portis, Esq., formerly of Livingston, an eloquent young lawyer who, about the year 1837, emigrated to Texas. By his marriage with an heiress in the Republic, he became a very large land-owner—perhaps of not less than 100,000 acres. The gifted mind, the exuberant social nature, and the lofty ambition of Mr. D. Y. Portis can be at no loss to enjoy to the best of advantage such a magnificent turn of fortune.

HOWELL ROSE, of Coosa, who took his seat in the House at the session of 1843, was a member of the Senate at the first session of the Legislature of Alabama, which met at Huntsville in 1819. He then represented Autauga county. Afterward, he was involved in many fierce political and personal broils, and was defeated in his aspirations for public life. He then turned his attention for many years to the business of planting and operations in land, by which he acquired large possessions. In the meantime, he removed to Coosa county, and settled a few miles from Wetumpka. He owned extensive bodies of land in this county, besides his quarters on the West, in Autauga and Lowndes.

In 1844 and 1845, he was again elected to the House, and at the latter session, he devoted much of his time, and all his energies and influence, in behalf of Wetumpka, as the most eligible place, in his opinion, for the Seat of Government, after its removal from Tuskaloosa. Many ballotings took place after the passage of the bill authorizing the removal. He put Wetumpka in nomination; other gentlemen brought forward Mobile, Selma, Montgomery and Tuskaloosa as competitors for the honor. Every time the roll was called, the clear-toned voice of Col. Rose was heard for Wetumpka. When combinations were formed, either express or implied, between the friends of different localities, there was no compromise on his part—no abandonment of his favorite; and at

length, when he stood firmly almost alone, and his neighboring town of Montgomery was rising like a young giant in the race, he, almost alone, gave the last sound for Wetumpka. Had he succeeded, he would have gained probably not less than \$200,000 by the increased value of his town property, and the adjoining lands, most of which belonged to him.

Col. Rose had read much, was well informed on many subjects, and had an ample fund of common sense, which was better than all in the practical aims of life. He frequently shared in the debates, was even eloquent at times, and always interesting. Though a married man for thirty years, or more, he was childless; and in discussing a measure which touched the domestic relations of men, and the education of children, he ventured to express sentiments, very proper in themselves, but which provoked the retort that he had no experience on the subject, as no heir had been born to his name and fortunes. He replied that it was the best argument in favor of his competency to advise where he was not personally interested; that Providence often denied children to men, that they might devote themselves more exclusively to the public welfare. Washington, Madison, Jackson and Polk had no children, yet they were great men, true patriots, and capable of advising. The humble member from Coosa finds himself in good company, and is not anxious to be one of the multitude of *common* men whose greatest and, perhaps, only success in life, is in contributing to the population. He preferred a different prosperity, and a different record of fame. The House was amused at his witty rejoinder.

Col. Rose was a Democrat of the old Jackson school, and was opposed in every shape, and under any pretense or provocation, to breaking up the Government, and I question if any man in the State was more opposed in heart and expression to the act which took Alabama out of the Union. He indulged a good deal of violence in his feelings and denunciations of men, and especially of the politicians whom he distrusted. This indulgence ended in extreme bitterness, which rendered him unhappy in the evening of life. He retained confidence in but few men, and two or three of these were made his executors, with good legacies.

It was believed throughout the war that Col. Rose had a large sum of gold. For this he was not troubled until about the time of the surrender. When everything was in confusion, and no law was enforced, a band of armed men went to his house and demanded his treasure, which he refused to give up. They applied a rope to his neck, and suspended him to a beam, hoping thus to alarm him, and get the desired information; but they were mistaken in their man. Though the painful operation was repeated twice, with threats of instant death, he refused to yield them any

favor, and so they had to leave him, without accomplishing their wicked purpose. Col. Rose possessed strong points of character, and was a man of mark in the early days of the State, and even to old age. The loss of his very large property by the war, or at least a considerable portion of it, preyed upon his spirits, and probably hastened his death in 1866.

JOHN C. WHITSITT, of Sumter, was a North Carolinian. His first session in the House was in 1843. He was a merchant, and possessed fine business qualities, which led to success in life. Though rarely engaging in debate, he was a useful member, bringing a sound judgment and great business capacity into action in the councils of the State. Nature had given him a good face, upon which beamed a pleasant smile of recognition whenever he met his friends, that never failed to please.

After the session of 1843, Major Whitsitt withdrew from public life until 1851, when he was again elected to the House, and reelected in 1853, which was his closing service in the Legislature. His health had become infirm, which prevented his longer continuance in public life, and he died during or about the close of the war.

GEORGE W. WILLIAMS, of Henry, was a native of South Carolina, and a graduate of Columbia College. He was a fat, jolly man, with a young face and a bald head, which gave him a notable appearance. His profession was that of the law, and he used to visit some of the courts in Georgia, near the Chattahoochee, where in his younger days he had a fair practice, and where his mirthful qualities made him quite popular. At one of these courts, the subject of conversation, in a group of gentlemen of the bar, of which Mr. Williams was one, happened to be on the highest forms of politeness and good breeding, when Judge James Polhill related an instance which he thought could not be surpassed.

A Kentucky drover had sold a number of mules to Judge Huger, of South Carolina, and as the dinner hour was at hand, the rough, but honest Kentuckian was invited to dine with the Judge. It was customary then, as it is now, at the tables of many families of great wealth, after the course of meats, and before the wine and the dessert appeared, to have a bowl of water taken by a servant to each person at table, to relieve the fingers from any incumbrance or impurity while handling the soup, or greasy substances. On this occasion, the servant took the bowl of water first to the Kentuckian, who supposed it was intended to quench his thirst; whereupon he raised it to his mouth and drank heartily. To prevent embarrassment to the guest, Judge Huger ordered the servant to bring the bowl of water to him, out of which he sipped,

and in this manner it went around the table, the elegant young ladies and their mother all refreshing themselves out of the same bowl of water. It was then taken away, and not a smile or a look was seen to disturb the innocent composure of the Kentuckian. No fingers were bathed at the table on that occasion. Every person present at the telling of the story, admitted this to be an act of genuine politeness, and none but a nobleman by nature could have set the example.

This story brought out the experience of Mr. Williams at a dinner party given by Gov. Taylor to the students of the College. As luck would have it, young Williams sat at a corner of the table, which induced the servant to bring the water to him first of all the guests. Never having heard of finger-bathing at table, and believing the water designed for internal refreshment, he drank out of the bowl, after which he perceived a tittle among his fellow-students, which was fully explained when the next one dipped his fingers in the water, and daintily dried them with the napkin on the servant's arm. Here was trouble, real agony to poor Williams, who would have been glad for a hole in the floor through which he could suddenly have disappeared from his tormenters. But finding no such relief he blushed and suffered through the long dinner ceremony. *There was no Judge Huger there, nor any disciple of nature's nobility*, he said, to drink after him out of the bowl, and save his wounded sensibilities. The incident affords a beautiful lesson, and, on this account, it is here related, in the notice of Mr. Williams.

The political majority in Henry county, where Mr. Williams resided, was strongly Democratic, while he was a Whig. Fortunately for him, he had some little *private capital* to fall back upon, gained in the Indian war of 1836, in which he had exhibited much bravery, and this enabled him to squeeze into the Legislature occasionally, though at every session in which he served his course stirred up such objections at home, that he had to be quiet for several years before he could again take the field with any hope of success. Hence, his visits to the Capitol were few and far between, until at length his independence of character was better understood, and a partial impunity was granted, to make any political demonstrations he pleased in the Legislature, without being held to a rigid account by the majority of his constituents, who liked the man but hated his politics. Close attention to their local interests, and general faithfulness, gained him a more permanent footing in the elections, and hence his appearance at the Capitol, in the latter years of his life, was more frequent. Between 1837 and 1863 he was elected many times, and was ever the same humorous wag in and out of the House, who amused his friends and expelled the *blues* from everybody who

shared his society. His supply of stories and anecdotes appeared to be inexhaustible, and his taste in relating them was peculiar to himself. He was strictly an original, formed on no model, and without an imitator.

During his intervals of service in the Legislature, Mr. Williams was elected Judge of Probate of Henry county, in which office he served a while. His death occurred in 1865 or 1866.

An instance has been given, while noticing the resolutions of Mr. Howard relative to a *horizontal* tariff, of the turn of merriment in Judge Williams whenever an opportunity was offered in the House, whether at the expense of political friend or adversary. He possessed a warm heart and generous feelings, without any particular breadth of talents. His social nature and indulgences brought upon him a habit which showed itself too plainly upon his intellect and tastes in the latter years of his life, and which no doubt brought him to his grave long before age had marred his mirthful physiognomy.

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## CHAPTER XXII.

### *Presidential Canvass, 1844—The Legislature—Senatorial and Judicial Elections—Personal Notices.*

The year 1844 was one of excitement, discussion and effort in the political arena, relative to the election of President and Vice-President of the United States. The excitement began to show itself in the Winter of 1843, and was increased by the visit of Mr. Clay to New Orleans, and his journey through Alabama and other Southern States to Raleigh, where he had an engagement with the Whigs of North Carolina, to be present on the 12th of April, his sixty-seventh birthday, which they intended to celebrate by a mass-meeting, and by every demonstration of popular favor. During his stay in New Orleans, as the guest of Dr. Mercer, I had an opportunity to see him for the first time, in February, and a few days thereafter I witnessed his reception in Mobile. Anticipating his arrival, hundreds of his ardent friends and admirers had visited the city to see him; but as he was taken in charge by a lady, of whose husband (Dr. Levert) he was the guest, he was inaccessible to the masses of the people, who were greatly disappointed.

In a day or two, however, it was announced in the newspapers that Mr. Clay would give a public reception to his fellow-citizens, at the Mansion House, between certain hours. At the time appointed, the large room was filled with visitors anxious to get a glimpse of the great statesman. Gov. Gayle and Gen. Desha officiated in the ceremony of introduction. All seemed highly pleased with the urbanity, ease and grace with which every one was made to feel at home. There was no feeling of restraint after getting his eye, or hearing a word from his lips.

Afterward, at the Waverly House, he met a committee of twenty gentlemen from Tuscaloosa, who had been deputed to invite Mr. Clay to the Seat of Government, when he was addressed by Robert Jemison, Esq., chairman of the committee. A large number of persons were present, including the writer. Mr. Clay briefly and courteously replied, declining the invitation, as its acceptance would be a departure from the rule which he prescribed to himself not to deviate from the main route of travel, lest his journey might assume the aspect of an electioneering tour, which it was not intended to be. Both speeches, and the particulars of the interview with the committee, were next day published in the "Advertiser," a Whig paper, then edited by C. C. Langdon, Esq. Of course, the reception in Mobile was noticed by all the Whig papers in the State, which awakened an enthusiasm peculiar to the influence of Mr. Clay over the Whig party.

During the few days Mr. Clay remained in Mobile, the writer had the pleasure of passing an hour or two in his company at the residence of George G. Henry, Esq., and of hearing him converse in a social group of friends. His manner was truly captivating.

This visit of Mr. Clay inspired his friends in Alabama with confidence in his election, as the party had united on him as the first choice for President. The National Whig Convention met at Baltimore on the 1st of May, and, amid a large attendance of delegates, and great enthusiasm, he was unanimously nominated by acclamation. To show that Mr. Clay himself believed that success was certain, he used this language to the committee who notified him of the action of the Convention:

Confidently believing that this nomination is in conformity with the desire of a majority of the people of the United States, I accept it from a high sense of duty, and with feelings of profound gratitude.

This announcement was received by the Whigs throughout the Union by general rejoicing, and the campaign fairly opened with the usual machinery of Clay Clubs and mass conventions to influence the public mind. In the meantime, the Democratic party held a National Convention, about the first week in June, when

the first regular dispatch ever sent by telegraph in the United States was that from Baltimore to Washington, forty miles, announcing the nomination of James K. Polk for the Presidency. The Whigs looked upon it as a fearful letting down, and virtually giving the field to Mr. Clay, without anything like a stubborn contest. They sneeringly inquired, "Who is James K. Polk?" Events gave a very emphatic response through the Electoral Colleges.

It is not my purpose to notice in detail the leading features of the campaign in Alabama. Both parties worked hard, and put their ablest men as writers and speakers in requisition to gain the victory on their respective sides. Perhaps no canvass was ever conducted more earnestly, and with more talent. It was the last contest for the Presidency which was decided upon the broad platform of principle. Others have been mere imitations, with planks and platitudes for all nativities, for all sections, and all for one purpose—party success. I speak not as a politician, but as an observer.

The Presidential election came off on the second Monday in November. In those days there were no telegraphs and express trains organized through the country, and it required a week or thereabout, for the mail to come from Washington to Tuscaloosa. From Montgomery, if not from Columbus, it was conveyed entirely in coaches. The votes of all the States had been heard from, except New York, which would elect the candidate for whom it was cast. The delay in hearing from that State was painful. To increase the suspense, the returns from Western New York were kept back by the floods two or three days. Then it was that *Cayuga Bridge* became so prominent a topic of remark and speculation. It was said by the Whigs, who claimed to know something of localities, that whoever crossed the bridge from the west with a majority, would gain the day, and that Mr. Clay was sure of that majority with a margin. So they talked and hoped, and so the Democrats disputed the premises, until finally the stage from Greensboro, just about sundown, brought news of the final result, on the 16th of November, which scattered the group of Whigs who had collected at the Washington Hall corner (Duffee's Hotel) and they were seldom seen upon the streets for several days afterward. It is said that many of them wept, and even some of the strong men were taken ill, and kept their rooms a considerable time under medical treatment.

The vote for President stood, 170 Electors for Polk, and 105 for Clay. If New York, with her 36 votes, had supported the latter, he would have received 141 votes, against 134 for Mr. Polk. The Whigs complained that the election was carried by fraud in the city of New York, where, it was alleged, that to

secure the majority of 5,000 votes in the State which elected Mr. Polk, they naturalized about 13,000 foreigners contrary to law. Of this charge, however, there has been no reliable proof, and the suggestion is merely here as a passage in that memorable contest.

On the night of the 16th November, there was a torchlight procession, with music and banners, amid the firing of cannon by the Democrats of Tuscaloosa. Next morning, in passing the streets where the artillery played its part, a Whig editor saw that the burnt wadding was of newspapers, and from curiosity picked up a fragment, when he discovered that the *cartridges* had been wrapped in the numbers of his paper published in 1840, containing articles in opposition to Mr. Van Buren, and of rejoicing at his defeat. Such was the revenge, which the editor himself admitted to be just and reasonable, as he had gone to great lengths in assailing the character and principles of Mr. Van Buren, and in offending many of his supporters. A better spirit has since prevailed.

#### LEGISLATIVE.

The elections in August, 1844, resulted in a large Democratic majority in both Houses of the Legislature, which met on the 2d December.

The Senate was organized by the choice of Col. N. Terry for President, without opposition. For Secretary, the vote stood, for Pleasant Hill, 24; for Samuel C. Dailey, 5 votes. Jennings F. Warrast was elected Assistant Secretary, and A. R. Thomas, Door-keeper.

In the House, Mr. A. B. Moore, and Mr. Robert Jemison were placed in nomination for Speaker, resulting in the election of the former by a vote of 56 to 28. Joseph Phelan was elected Clerk; A. B. Clitherall, Assistant Clerk; W. C. Bibb, Engrossing Clerk, and James H. Owen, Door-Keeper.

The talent of the two Houses was fully up to that of the last session. Some changes had been made in the Senate—Sampson W. Harris, Esq., taking the place of Mr. Yancey, who had been elected to Congress; Edward S. Dargan, Esq., succeeding Gen. Toulmin, elected, at the close of the last session, President of the Branch Bank at Mobile; Archibald Gilchrist, Esq., in place of Dr. Berney; and Judge Sidney C. Posey, in place of Gov. McVay. The Chairmen of the principal committees of the Senate were the following:

- On the Judiciary, Mr. Walker, of Benton;
- On Federal Relations, Mr. Walthall, of Perry;
- On the State Bank and Branches, Mr. Dargan, of Mobile;
- On Education, Mr. Watkins, of Monrøe;
- On Propositions and Grievances, Mr. Creagh, of Clarke.

In the House many new members had been returned. A number of the old Representatives, of talent and experience, were included, and the new ones, in character and qualifications, formed rather an accession of strength. The Chairmen of the leading committees had been arranged by the Speaker as follows:

- On Ways and Means, Mr. McClung, of Madison;
- On the Judiciary, Mr. Clemens, of Madison;
- On Federal Relations, Mr. Phillips, of Mobile;
- On the State Bank and Branches, Mr. Peter Martin;
- On Education, Mr. Norman, of Franklin;
- On Internal Improvement, Mr. Dunn, of Mobile;
- On the Military, Mr. Walker, of Lawrence;
- On Propositions and Grievances, Mr. Jackson, of Autauga.

On Tuesday the annual message of Gov. Fitzpatrick was communicated to both Houses, and in the Senate 1,000 copies were ordered to be printed. This document occupied about sixteen pages of the printed Journal.

#### BUSINESS OF THE SESSION.

The Governor's message, by appropriate reference, had gone to the several committees, and the regular business of the two Houses was fairly under way. The leading measures related to the Banks, and the best means of making collections of the large indebtedness, which began to exhibit a fearful amount of insolvency. Other interests of the State, however, received proper attention, upon which able reports were made by committees. These generally were of such length as to preclude their insertion here, however interesting at the time, and even now, as the landmarks of a former generation of legislators and constituents.

The apportionment of Senators and Representatives was made upon the State census of 1844. As usual, this was a somewhat difficult question to settle, as the gain or loss of power generally leads to a contest between those who are interested on the one side or the other. The counties of Randolph, Chambers, Tallapoosa, Talladega, Coosa, Macon, Russell and Montgomery gained nine Representatives, at the expense of Jackson, Madison, Lawrence, Sumter, Pickens, Bibb, Mobile, Monroe, Tuskaloosa, etc. Besides bills of a general nature which were acted upon, there was much business of a local character, and altogether it was a working session.

In the House, on the 17th December, the special order for 12 o'clock was taken up, which was the report of Mr. Phillips from the Committee on Federal Relations, in the following words:

The Committee on Federal Relations, to whom was referred the resolutions of the States of Georgia and Connecticut on the subject of repudiation, have unani-

mously instructed me to report that they have given the subject of the resolutions an attentive consideration, and in full view of the heavy debt under which this State now struggles, and the onerous taxation necessary to its protection, they are yet firm in the belief that the citizens of Alabama will redeem the plighted faith of the State at any and every cost.

The Committee therefore recommend the adoption of the following resolutions:

1. *Resolved*, That the preservation of National faith is the only guaranty for stable government; that its violation leads to the dissolution of the political compact, and amidst anarchy which denies all obligations but such as force imposes, the great truth will be again proclaimed, that a people to be prosperous must be virtuous.

2. *Resolved*, That in the possession of a territory rich in mineral resources, admirably adapted to the culture of the great staple of the South, abundantly supplied with water power for all manufacturing purposes, provided in an extraordinary degree with the commerce of accessible markets, and blessed with every variety of soil and climate, the people of Alabama are not only willing but able to maintain the high honor and credit which the State has always enjoyed.

3. *Resolved*, That this State concurs in the resolutions of the States of Georgia and Connecticut, denouncing the repudiation of debts by the States; and that the Governor be requested to forward a copy of the foregoing resolutions to the Governor of each of the several States, with the request that he would cause the same to be laid before their respective Legislatures.

A division of the question being called for, it was first taken on the adoption of the first resolution—yeas 96, nays 0. The second resolution was then adopted—Yeas 100, nays 0. The third resolution was also adopted—yeas 86, nays 14.

The basis question was again brought up, but in a different form. Massachusetts had adopted resolutions on the subject, which were laid before the Legislature, and upon which Mr. Phillip Phillips, of Mobile, Chairman of the Committee on Federal Relations, made a report of considerable length, of which the first paragraph is here given:

The Committee on Federal Relations, to whom was referred the resolutions from the State of Massachusetts, proposing to amend the Federal Constitution by striking out that portion of the third clause, second section, first article, which apportions representatives and direct taxes, by adding to the free white inhabitants "*three-fifths of all other persons,*" together with the replies of the States of Kentucky, Maryland, and Virginia; also, resolutions of the State of South Carolina, in relation to the agent sent by Massachusetts to reside within her borders to litigate the right of that State to prevent the ingress of free persons of color—deeply impressed with their serious import, have bestowed on them a calm and solemn consideration, and without division, either in feeling or opinion, have instructed me to recommend the adoption of the following report and resolutions:

The resolutions are the following:

*Resolved*, That the repeal of the 25th Rule by the present session of Congress was a weak and truckling submission to the spirit of fanaticism; and it adds another and important triumph to the faction which, now fortified in the halls of legislation, may dispatch its fiery arrows over every section of our confederacy.

*Resolved*, That we sympathize with the patriotic spirit of the Legislature of South Carolina, which so promptly resisted the insolent attempt to disturb her domestic tranquility.

"The power of slavery belongs to the States respectively"—"it is local in its character and effects"—"each State has a right to guard its citizens against

inconveniences and dangers." The right to exercise this power by a State is *higher and deeper than the Constitution*. "The evil involves the prosperity and may endanger the existence of a State." "Its power to guard against or remedy the evil rests upon the law of self-preservation; a law vital to every community, and especially to a sovereign State."

*Resolved*, That the Governor be requested to transmit copies of this report and resolutions to the Governors of the other States of the Union, with the request that they should be laid before their respective Legislatures; and that copies be also forwarded to our delegation in Congress.

The resolutions were unanimously adopted—yeas 95.

This was a long session, extending from December 2, 1844 to January 27, 1845. Under the lead of Col. McClung, the revenue law was amended and enlarged, looking to the preservation of the public faith, and to the general interest of the people.

Several important elections took place at this session which deserve a passing notice. As will be seen in the Governor's message, Col. William R. King had resigned his seat in the Senate of the United States, and, to fill the vacancy, the two Houses met in convention on the 7th December, when Dixon H. Lewis, Democrat, and Arthur F. Hopkins, Whig, were placed in nomination. The vote stood, for Lewis 85; for Hopkins 45. This was a fair test of party strength in the Legislature, with the exception of two votes—Mr. Kidd of Shelby, and Mr. Mudd of Jefferson, Whigs, who represented Democratic constituencies, and voted for Mr. Lewis. The result was expected of course. Judge Hopkins was voted for by the Whigs, not so much with the hope of electing him, as in compliment of the ablest member of the party in the State. As it is intended, in this work, to introduce, with more or less formality, candidates and public men as their names happen to fall in with the narrative, that design will be, in part, executed here.

HON. ARTHUR F. HOPKINS was a Virginian, highly educated, and with talents of the first order. He came to Alabama while it was in a Territorial condition, and settled in Lawrence county. He was a delegate in the Convention at Huntsville, which formed the State Constitution, in 1819, and, for many years thereafter, held public positions, in the Legislature and elsewhere, including a seat upon the Bench of the Supreme Court, which he resigned after a few years. For a long time he resided in Huntsville, engaged in the practice of the law, at the very head of his profession. About the year 1843, he removed to Tuscaloosa, and there continued for a considerable period. He was residing there when his friends made use of his name, at the session of 1844, for the United States Senate. His distinguished abilities, patriotism, and private worth were acknowledged by all parties. As a jurist he had no superior in the State.

He contributed a large share of labor to the preparation of the "Address of the Committee of the Whig Convention to the People of Alabama," which was published, June, 1840, in a pamphlet of 25 pages, defending Gen. Harrison from the charges made against him, and arraigning the administration of Mr. Van Buren for public judgment. The Committee appointed, and whose names appear to the address, were John Gayle, Arthur F. Hopkins, James Jackson, Dennis Dent, Thomas H. Wiley, William M. Inge, and Harry I. Thornton.

To show that the least taint of Abolition was fatal to any candidate for the Presidency at the time of the Address, a part of the defense of Gen. Harrison is here quoted for its historical significance:

In a Convention of Abolitionists, which assembled recently at Arcadia, in the western part of the State of New York, a resolution was adopted that, in the opinion of the Abolitionists who composed the Convention, Gen. Harrison ought not to receive the vote of any freeman for the office of President, because he voted against the Missouri restriction, and holds opinions against abolitionism, which he expressed in his Vincennes speech.

We have received from a source we can rely on, a statement of some of the abolition newspapers, which bitterly oppose the election of Gen. Harrison. They are as follows: The "Ohio Philanthropist," the "Pittsburg Witness," the "Pennsylvania Freeman," the "Connecticut Charter Oak," the Utica "Friend of Man," the "Michigan Freeman," the "New Hampshire Advocate of Freedom," the "Vermont Voice of Freedom," the "Massachusetts Abolitionist," and "Boston Liberator." For this statement, we are indebted to the address of the Whig Central Committee of Kentucky.

Now, when it is considered that this phalanx of abolition newspapers is aided in their opposition to Gen. Harrison by the whole Van Buren party, the idea that he will get the vote of these fanatics is not a little ridiculous.

Just here a reflection may be indulged as to the instability of human character and human calculations. In 1840, Mr. Van Buren was regarded by his friends as a "Northern man with Southern principles," and without the least sympathy with the abolitionists. Matters so worked, particularly his failure to receive the nomination for President in 1844, that in 1848 Mr. Van Buren was actually nominated by a convention of the Abolition party, as their candidate for the Presidency, with an Electoral ticket in his support, in all the non-slaveholding States, and failed to receive a single electoral vote in any State! And it is also remarkable, as showing the organization and efforts of that party, that their candidate, twelve years afterward, received a majority of votes in every non-slaveholding State of the Union, which secured the election of Mr. Lincoln, and that not a single Electoral ticket was formed for his support in a single slaveholding State—such was the sectional aspect of the canvass. This antagonism terminated in the secession of the Southern States, and in the disastrous war of 1861-5.

There is one passage in the Address of the Whig Committee, in 1840, probably from the pen of Judge Hopkins, which is here reproduced as an act of justice to a distinguished citizen of the country, who, afterward, succeeding to the Presidential office on the death of Gen. Harrison in 1841, became a subject of hostility and persecution by the Whigs in Congress, with few exceptions, and by the party press throughout the Union, and by Whig leaders on the stump, because he had the firmness to adhere to his former settled convictions against the constitutionality of a Bank of the United States, and to veto several bills for the charter of such an institution, and other Fiscal Agencies of a similar character. The address says:

The name of John Tyler, of Virginia, has been placed upon the Whig ticket for the Vice-Presidency, a man identified with the defense of every Southern interest. His spotless private character, his Republican principles, his consistent political life, and eminent abilities, challenge the admiration of friends and foes, and have hitherto silenced the reckless malignity of party opposition. If we have not dwelt at length upon his public services, it is because they are not denied.

The Electoral Ticket nominated by the Whig Convention in 1840, consisted of—

Hon. JOHN GAYLE, of Mobile;  
Col. NICHOLAS DAVIS, of Limestone;  
Hon. ARTHUR F. HOPKINS, of Madison;  
Col. THOMAS WILLIAMS, JR., of Tuskalooosa;  
Hon. HARRY I. THORNTON, of Greene;  
HENRY W. HILLIARD, Esq., of Montgomery, and  
JAMES ABERCROMBIE, Esq., of Russell county.

These gentlemen entered into the canvass with zeal and ability, addressing the people at mass meetings, and on other occasions, in different parts of the State; but the Democratic majority was too decided to be overcome, especially as the supporters of Mr. Van Buren were not less active in the campaign, and never shrank from an opportunity to contest, face to face, every inch of ground occupied by their opponents.

Judge Hopkins was originally a Federalist of the Alexander Hamilton school, and the lofty tone of sentiment which formerly marked that class of politicians, he cherished to the last, although he may have modified some of his views in relation to national power and State sovereignty. He was too honest and too independent in his character ever to yield an opinion for the sake of expediency. He made no sacrifices of principle to obtain personal popularity. It is doing him no injustice to say, that he attached very little importance to the decision of the masses, who for want of

proper information were frequently imposed upon and deceived by artful, selfish party leaders, which he believed to be unavoidable in a wild Democracy.

From Tuscaloosa Judge Hopkins removed to Mobile, where for several years he was President of the Mobile and Ohio Railroad Company. Losing his wife, he afterward married a lady of Baltimore, who took an active part in the management of the Confederate Hospitals at Richmond, and by her intelligence, her sympathising spirit, her generous contribution of means, and her personal attention to the sick and wounded, she gained an enviable reputation with the Southern people. In all these efforts and sacrifices she was nobly sustained by her patriotic husband, who, though well stricken in years, was ever doing what circumstances permitted to alleviate suffering, and to aid the cause of his native South. The anxieties and results of the war, no doubt, undermined the vigorous health of the Judge, whose large and manly frame sunk under the combined effects of disease thus produced, and the age of about seventy years, when he died in 1866.

To strike from the history of Alabama the name of ARTHUR F. HOPKINS, would be like erasing a star from the national flag. His political principles formed the only barrier to his advancement to the Executive chair, and to the Senate of the United States, at his pleasure, and now that he has passed away, there can be no recollections but those which do honor to his memory, irrespective of party divisions. His fame is imperishable.

#### JUDICIAL ELECTIONS.

The two Houses met in convention and proceeded to the election of Chancellor of the Southern Division, the Hon. Anderson Crenshaw, the incumbent, and Gen. George W. Crabb being in nomination. The former was reëlected by a vote of 66 to 46.

For Solicitor of the First Circuit, the vote stood, for William M. Brooks, the incumbent, 73; and for B. L. Defreese, 41. The former was reëlected.

For Solicitor of the Fourth Circuit, the contest was more animated, from the number and character of the candidates. The three ballotings were as follows:

|                             |    |    |            |
|-----------------------------|----|----|------------|
| For Edward A. O'Neal.....   | 24 | 24 | 24         |
| For Richard W. Walker ..... | 62 | 62 | 64         |
| For John B. Sale.....       | 25 | 29 | 39         |
| For Green P. Rice.....      | 17 | 13 | withdrawn. |

Mr. Walker having received a majority of all the votes cast, was declared duly elected.

For Solicitor of the Seventh Circuit, the competition was between S. W. Pettus and Henry L. Ward. The former was elected by a vote of 76 to 50.

For Solicitor of the Sixth Circuit, John Edmund Jones received 62 votes, which elected him over Percy Walker, who received 57 votes.

For Solicitor of the Fifth Circuit, the candidates were William O. Winston, who received 65 votes, and William Aeklin, who received 64 votes—the former being elected by one vote majority.

As several of the candidates held public stations, and others subsequently became prominent, it is deemed necessary to give personal sketches of some of them at this juncture of circumstances. Owing to the greater length of the notice of Chancellor Crenshaw, by including a public document, it will be reserved for the close of this chapter.

RICHARD W. WALKER was a young man, and was just entering upon a successful and brilliant career. He was a son of the Hon. John W. Walker, who was just entering upon a successful and brilliant career. He was a son of the Hon. John W. Walker, who was President of the Convention which formed the State Constitution, in 1819, and was elected a Senator in Congress, October 28, 1819. He served until 1822, when he resigned. His son Richard has since acted an enviable part in life, as his record will show.

In 1851, Mr. R. W. Walker was elected to the Legislature, from Lauderdale county, as a Union Whig, and was appointed Chairman of the Judiciary Committee in the House. In 1855, he was allied with the Democratic party in opposition to the Know-Nothing or American party, and was again returned to the House, of which he was elected Speaker, and made a good presiding officer. Soon thereafter, he was elected to a seat on the Bench of the Supreme Court, an office which he held until 1863, when he was elected a Senator in the Confederate Congress, to succeed the Hon. C. C. Clay, jr. He at once repaired to Richmond, and gave diligent attention to his public duties until the Southern cause was lost, in 1865. Since then, he has been engaged in the practice of his profession in Huntsville.

Judge Walker's record is, of itself, higher praise than any I could bestow on his great abilities and attainments. In social life, he is pleasant and communicative, without being loquacious. He has a tall and graceful person, which is carried with ease and without ostentation. He is a brother of Percy Walker, Esq., heretofore noticed to some extent in this work, and also a brother of Gen. L. P. Walker, the first Secretary of War under President Davis' administration. Their elder brother is John J. Walker,

Esq., who practiced law a while at Huntsville, but afterward engaged in the factorage and commission business in Mobile, where, by appointment of President Taylor, he was Collector of the Port four years, until displaced by President Pierce. He married an accomplished daughter of Judge Hopkins.

GEN. EDWARD A. O'NEAL was elected Solicitor at the called session in 1841, and held the office one term, after which he appears no more in an official character before the public, but has gained distinction at the bar, and as a public speaker. He adheres to the Democratic party, of which he is a prominent member, and withal a gentleman of high social position.

JOHN B. SALE was raised in Lawrence county, a son of Rev. Alexander Sale, who resided in the neighborhood of Courtland. He was educated at the LaGrange College, under the Presidency of Bishop Robert Payne. Previous to 1844, he had filled the office of Judge of the County Court of Lawrence county. A young man of talents, and full of aspiration, Mr. Sale, not long after his defeat for Solicitor, left Alabama, and settled in Aberdeen, Mississippi. From thence he removed to Memphis, Tennessee, where he is now pursuing his profession as a lawyer.

GEN. E. W. PETTUS is a North-Alabamian, connected with a large family of his name, one of whom was, a few years ago, Governor of Mississippi. After holding the office of Solicitor for a time, he resigned, in order to include in the practice of his profession, all classes of controversy which might arise in the Courts, from which he was partially excluded while representing the State. His course was onward, and he was elected a Judge of the Circuit Court, giving the people a just administration.

When the difficulties were pending, and secession was contemplated, Judge Pettus was appointed a commissioner to communicate with the State of Mississippi as to the proper measure, and for the formation of a Southern Confederacy. After the war commenced, he entered the army with the courage and resolution of his strong character, offering his life and his fortune to his native South. He was advanced in command to the rank of Brigadier-General, which he held at the surrender of our armies. I am not informed in what capacity he entered the service; but from the published accounts, as the war progressed, he fought gallantly, and won proud distinction in the field, which has secured him an enviable standing with his fellow-citizens.

The person of Gen. Pettus is tall, large, and commanding. As a speaker on the hustings, his voice and manner, as well as matter, are engaging and impressive. He is still in the prime of life,

and resides in Selma, with great personal influence which, on all proper occasions, is exerted for the promotion of peace and concord among his fellow-citizens, and for the prosperity of the State.

PERCY WALKER, who was defeated in this election, deserves a more particular notice than that heretofore bestowed, and I prefer to give it in this connection. His defeat was not the result of any incompetency or unfaithfulness in the discharge of his duties as Solicitor for the four years preceding; for it is very questionable whether his equal in that particular department of the public service, has ever appeared in the State. The energy and skill with which he brought offenders to the bar of justice, and there vindicated the majesty of the law, was justly regarded by the citizens of Mobile as effectual in producing a great reform, and his defeat was considered a calamity. But there was a combination of political influences against him, brought about by the state of parties then existing, which, in the hands of a dextrous and persevering opponent, popular, and just out of a term in the Senate where he had made a good deal of character, produced the result just noted.

Mr. Walker is justly regarded as one of the leading men in the State. Without seeking popularity, he is still popular. Though generally considered as cold and taciturn, he is social and generous in his nature, but entirely without disguise, dissimulation, or demagogism, in his professions, or in his deportment as a gentleman and politician. He has followed his convictions without regard to policy, which frequently separated him from friends with whom he would gladly cooperate. He has a penetrating, logical mind, and in his public addresses is bold, earnest, and sometimes defiant. He has succeeded at the bar, and stands high in his profession, especially as an advocate, in which he seems peculiarly gifted. In early life, he married Miss Ella Lipscomb, the accomplished daughter of Judge Lipscomb, who has adorned his path through life by her intelligence and womanly dignity.

Talent seems to be inherent in the family, as the four brothers, Percy, Richard W., Leroy Pope, and John J. Walker, all sons of the Hon. John W. Walker, are conclusive testimony. Perhaps no other family reared in the State has been so brilliantly illustrated.

WILLIAM ACKLIN, of Huntsville, has been Solicitor several times, which is evidence that he made a good prosecuting officer, although he never became distinguished in his profession. He aspired to the Judgeship of the Circuit Court unsuccessfully. In 1853, he was elected to the Senate from Madison for a term of four years, and in 1855, his friends were very anxious to place

him in the chair of that end of the Capitol, but without success. For years he has been in private life, engaged in his profession. He is brother to Joseph A. S. Acklin, Esq., for some time United States Attorney for the Northern District of Alabama, and who married a wealthy and accomplished lady, Mrs. Franklin, of Nashville, and died some years ago; and also brother of John R. Acklin, Esq., for some years Sheriff, and a prominent man in Madison county.

[NOTE.—The above notice of Mr. William Acklin was written in 1871. He died in 1872.]

HON. ANDERSON CRENSHAW was a native of South Carolina, and completed his education in Columbia College, probably in the graduating class of 1806. He is said to have been very diligent and successful in his studies. In early life he emigrated to Alabama, and engaged in the practice of the law. The best evidence of his character and success, is the number of high Judicial offices he held in the State:

1. A Judge of the Circuit Court.
2. Judge of the Supreme Court, composed of Circuit Judges, previous to 1832.
3. Chancellor of the Southern Division, from the organization of a separate Court of Chancery in 1838, until his death in 1847.

He was a Whig in politics, but so moderate in his views and feelings, and so devoted to the duties of the high places he occupied, that the question of party politics was never brought to bear upon him, and so he was retained in office under elections of the Legislature, when large Democratic majorities existed. His virtues as a man, and his abilities and integrity as a Judge, gained the public confidence, from the beginning of his long administration of justice, which he retained to the last. Nothing more need be added to such a pregnant record of success. Yet there was a period in his history of sore trial, when he and two of his Associates on the Bench of the Supreme Court—Saffold and White—were impeached before the Legislature, as shown by a pamphlet of thirty-six pages, entitled "Responses of Judges Saffold, White, and Crenshaw, to certain charges preferred against them by William Kelley, Esq., before the General Assembly of the State of Alabama," printed at Tuscaloosa, by Dugald McFarland, 1829.

As showing some curious facts, an extract from the opinion delivered by Judge Saffold, at June term, 1828, of the Supreme Court, in the case of Robert Thompson *vs.* L. H. Jones, is here submitted:

It appears that the plaintiffs held a bond on A. D. Dandridge, D. Wade, and R. H. Dandridge, whereby, on the 8th day of January, 1819, they promised, on or

before the 1st day of January next thereafter, to pay the plaintiff, or order, \$4,440 for value received, with 20 per cent. per month interest on the above amount thereafter until paid. Credits appeared on the note to the amount of \$1,800, expressed to be in part payment of the interest due thereon, dated subsequent to the maturity of the note. There was also an indorsement on the bond, by which the defendant acknowledged that he had, on the 14th of March, 1822, (which is the date of the note here sued on) purchased of the plaintiff the said instrument, and had exonerated him from all responsibility respecting the payment of the same, or any part thereof. This bond was the consideration of the note sued on, and of two others, all of the same amount, making together the sum of \$6,300, payable by three installments, with interest from the date, one of which having been given for each installment. Each of said notes was also signed by two other persons (the Eldridges) as securities of the defendant, and by his procurement. The defendant appears to have been influenced to enter into this contract, from motives of friendship to the original debtors, and his apprehension of their great injury or ruin from the rapid increase of debt, as the rate of interest stipulated, amounted to more than \$10,000 per annum, on the \$4,440, and at the time this defendant contracted, this rate of interest had been running more than two years. The plaintiff, however, in conversation with the obligors, both before and after the maturity of their bond, said he would not exact the full rate of stipulated interest—that he would only require 5 per cent. per month.

From the "Responses" of the Judges it would seem that the impeaching memorial of Mr. Kelley was prompted by his loss of fees, from the ruling of the Court against the usurious contracts which had been placed in his hands for collection. The Judges passed through the ordeal triumphantly, and each received from the Legislature new tokens of confidence.

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## CHAPTER XXIII.

### *Legislature of 1844 Continued—Senators and Representatives Sketched.*

Several members of the Senate having taken their seats at this session for the first time, and others not having been included in the personal notices heretofore made, places are here assigned them in these "Reminiscences."

EDWARD S. DARGAN, of Mobile, by birth a North Carolinian, came to Alabama when a young man, first settling at old Washington, then the county-site of Autauga. Here he was elected a Justice of the Peace, and filled that office for some years, in the meantime, practicing law; and here, in this quiet village, on the west bank of the Alabama, while depending wholly upon himself for advancement, were no doubt acquired those habits of thought

and investigation which have since distinguished him as a profound lawyer. He afterward removed to Montgomery, where he remained a number of years in the successful practice of his profession. Thence he changed his residence to Mobile, his present home.

In 1845, he was the nominee of the Democratic party for Congress, in the Mobile District, and was elected over his Whig competitor, William D. Dunn, Esq. While in Congress, he made an able speech, and offered important amendments on the Oregon question, which largely attracted public notice. He justly ranked among the sensible members of the House, and great deference was paid to his arguments and opinions. A vacancy occurring on the bench of the Supreme Court, by the death of Judge Goldthwaite, Mr. Dargan was elected by the Legislature at the session of 1847, to fill the place; and on the resignation of Judge Collier in 1849, he became Chief Justice. After remaining on the bench of the Supreme Court several years, he resigned, and resumed his professional labors. He was elected a delegate from Mobile to the Convention of 1861, and voted for the ordinance of secession. At the first election by the people of Representatives in the Confederate Congress, he was returned from the Mobile District, and served through the term, giving the full measure of his great powers to the cause of the South. He declined a reelection, and has since been in private life, successfully engaged in legal practice.

In person, Judge Dargan has a dull and unattractive look, as if he was always drowsy, and dissatisfied with things about him. His conversation is sluggish, and he appears to be in a reverie most of his time, when he is without a law-book in his hand, and when not engaged in Court. *There*, he wakes up, and when he takes his stand at the advocate's desk in the Supreme Court, to make an argument, a transformation comes over him, and the purest logic and the boldest grasp of thought come to his aid as if by intuition. There his great attainments as a jurist fully appear, and his face is luminous with intellectual life until he closes his argument, and then he looks sleepy again.

ARCHIBALD GILCHRIST, of Lowndes, succeeded Dr. Berney in the Senate, and took his seat at the session of 1844, and served in 1845, and then retired to private life, not long after which he died.

Mr. Gilchrist was from North Carolina, where he studied law. After he came to Alabama he practiced his profession, and sustained a good rank at the bar. He was a Whig in politics, quiet and reserved, but very attentive to public business. Occasionally he shared in discussion, and displayed ability, with a clear under-

standing of State policy, and the best interests of the people. He was strongly opposed to a law passed a few years previously for the redemption of real estate which had been sold by legal process, after the Tennessee plan, and through his efforts and influence a bill for its repeal passed the Senate; but was defeated in the House. He was a gentleman of strong convictions and fixed purpose in the prosecution of his objects, in his private, professional and legislative capacity, and was much respected for his virtues.

SAMPSON W. HARRIS, of Coosa, was a native of Georgia, and a graduate of the University of that State. He was a son of the Hon. Stephen W. Harris, a Judge of the Superior Court from 1813 to 1816, whose death in 1822 was considered a great loss to the State.

In September, 1831, the first Internal Improvement Convention ever held in Georgia, assembled at Eatonton, where Mr. S. W. Harris resided, of which he was appointed one of the three Secretaries. Wylie W. Mason, Esq., afterward a Chancellor in Alabama, was a member of that Convention.

About the year 1838, Mr. Harris settled in Wetumpka, in the practice of the law, and at once took high position. A Democrat, he soon attracted popular notice, first in a State Convention held at Tuscaloosa, where he made a speech which placed him at once on the road to preferment. In 1841, as noticed in another place in this volume, he was elected Solicitor of the Eighth Circuit, the duties of which office he discharged with such ability, and faithfulness, that the partiality of friends, more than any desire on his part, presented him as a candidate for Judge of the Circuit Court, in which election he was defeated. In 1844, he succeeded Mr. Yancey in the Senate, for the District of Coosa and Autauga, and again in 1845. The session of the latter year terminated his connection with the State Legislature, and his rapidly developed powers sought a wider field, where he might win laurels more suited, it may be, to his taste and ambition.

In 1847, Mr. Harris was nominated as the Democratic candidate for Congress, in the Third District, and was elected, if I mistake not, without much show of opposition. In 1849, he defeated Judge John S. Hunter, who was an antagonist of no ordinary strength. In 1851, his opponent was Judge William S. Mudd, who with the issue pending that year, was the most popular man that could be placed in competition with him, and he was defeated by Mr. Harris. In 1853, his opponent was Judge Moore, of Lowndes, who shared the like fate. In 1855, by a new arrangement of the district, he was thrown upon several counties of territory new to him, and he had to confront a new political organization, the Know-

Nothing or American party, headed by Col. William B. Martin, of Benton. That was a year of much political excitement and activity, and for sometime, during the Spring and early Summer, the future of parties and aspirants was veiled in uncertainty. Mr. Harris was timid and easily alarmed, and that was the time for the exhibition of his great powers before the people. I remember the day that he and his competitor, Col. Martin, opened the canvass, at Nixburg, in Coosa county. By consent, among several of his friends, Mr. Harris was to be alarmed to a degree that would arouse him. This was not hard to do, when he came to look over the large concourse of people in attendance, many of them from adjoining counties, and the debate opened under the firm belief of Mr. Harris that it would give direction to the canvass and the result, which I have no doubt was the case. His speech, on that occasion, astonished even his most sanguine friends, in the force and power of his arguments; and yet the softness and elegance of his manner as a public speaker, was fully preserved. The people turned out *en masse*, and would follow him from one appointment to another to hear this wonderful orator. He defeated his opponent by a majority of 800 votes. This was his last canvass, and it is quite probable that, by its extraordinary labors, his health was impaired, so that he did not long survive. He served the people ten years in Congress, and died at the city of Washington, during the Winter of 1856-'7, an humble Christian, leaning on the merits of his Redeemer.

The foregoing sketch of Mr. Harris' public life and positions vindicates, in unmistakeable terms, the character of the man, and his high grade of talents. Well educated, with the advantages of much reading and study, which accorded with his taste and habits, he was fitted for any position in the State. In person, he was tall and spare, with a fine head and face, while his manners were graceful and captivating, his voice soft and musical, and his conversational powers of a high order. All these advantages were at his command in social life, and with men of every station; and then, when he came upon the hustings, and with the conviction that what he would say was to have its influence in the success or failure of the principles he had adopted, as the best for the administration of the Government, he was instructive and eloquent.

In Congress, Mr. Harris spoke a few times, and at every effort advanced further to the front rank of speakers in that body. But with all his vast powers and attainments, he was indolent, and this indulgence, or rather injustice to himself, eclipsed greatly the rising splendor of his political star. He did not take the commanding position in the councils of the nation that was his due, nor in any public situation that he held, and therefore he was never known or appreciated as he should have been. Let him be aroused to a

proper sense of the importance of an occasion, and he was a full match in all that constitutes an able, eloquent speaker, with any man of his day in the State. He died in the meridian of life.

At an early age, Mr. Harris married Miss Thomas, an accomplished lady, of Athens, Georgia. One of his sons, Sampson W. Harris, jr., commanded the 6th Georgia Regiment in the late war, as the successor of Gen. A. H. Colquitt, promoted. He now resides at West-Point, Chambers county, engaged in the practice of the law. Another son, Dr. Hugh Nisbet Harris, married a daughter of the Hon. B. C. Yancey, and resides at Athens.

SIDNEY C. POSEY, of Lauderdale, served in the Senate at the session of 1837, to supply the place of Mr. McVay, who, as President of the Senate, succeeded to the Executive on the resignation of Gov. Clay, at the called session, June, 1837, when he was elected a Senator in Congress. The next year, Mr. Posey withdrew, that Mr. McVay might resume his seat in the Senate, which he had so long and worthily filled. But in 1844, the latter, from the infirmities of age, had retired altogether from public life, and Mr. Posey again returned to the Senate. It was a beautiful instance of liberality, amounting almost to the affection of father and son, the junior giving way cheerfully to the venerable senior, whose services had been demanded and faithfully rendered for so noted a period.

Before his entrance into the Senate, Mr. Posey had been elected Judge of the County Court of Lauderdale county, relative to which event in his early life an incident is worthy of preservation for the moral it conveys.

Mr. Posey had just come to the bar, a young man without patrimony or patronage. An election was to be made by the Legislature of County Court Judge, an office which he thought he could fill, and desiring it, he set out for Tuskalooza to try his fortunes in seeking it. But the members of his county were committed to others who had assisted in their election, and he had little to hope from that quarter. He arrived at Tuskalooza on Saturday evening, and on Sunday morning, as was his habit, he went to the Methodist Church, where he knew nobody, except that he had seen, and been introduced to, Judge Collier, in the Fall riding of the Circuit Court. He advanced pretty well forward in the aisle of the Church, and had taken his seat, soon after which the Judge entered, and took his accustomed seat near by, and, as soon as the congregation was dismissed, approached him in a friendly way, making inquiries after his health, and introduced him to some six or eight gentlemen who were members of the Legislature. He began to feel relieved of the discouragements under which he had labored for several days, and concluded that he was yet some-

thing, and had some prospects. He was invited, and went to dinner with the Judge, and several prominent members of the Legislature, whose acquaintance he formed on the occasion. This opened the way to an extension of intercourse, and he was elected to the office. The recognition by Judge Collier had given him standing and weight among gentlemen to whom he was previously a stranger, and the office itself proved a good starting point in his profession, which led to success.

What a scene is here presented, and what remarkable influences sometimes grow out of a few kind words! A Judge residing at the Seat of Government, goes to a distant county in the State to administer law and justice. A young member of the bar, modest and sensitive, is introduced to him on the Circuit, and is gratified at the honor. It was a mere courtesy for the time being, and no particular value was attached to it by either party, for such introductions were common. But in the lapse of years, that Circuit Judge becomes Chief Justice of the Supreme Court, and then Governor of the State, leaving a bright record of ability, virtue, and fidelity, in all the relations of life; and better than all, a Christian example, which will long exert a sweet influence on the public mind. His young professional brother, whose fortunes were dated in the sanctuary, whither he had repaired to worship his Maker on the Sabbath, has since received promotion, honors, and prosperity, as the result of that kindly interview, prompted by a generous, loving spirit, which never failed to make others happy. What a precious example, and how soothing the memory, now that the death of both parties has consecrated it as a lesson to survivors! Men of experience and position should be encouraged by it to bestow a few gentle words, if nothing more, to strengthen young men, whose souls often languish in the beginning of life for the want of friendly recognition.

Serving through the session of 1845, Judge Posey was, in 1847, elected by the Legislature Judge of the Circuit Court, a position which he filled with legal ability. At the end of the term he was defeated before the people, to whom the election of Circuit Judges had been transferred.

Judge Posey was a member of the National Democratic Convention in 1860, and participated in the nomination of Judge Douglas for the Presidency, for whom he voted. In 1861, he was a delegate from Lauderdale, in the Convention which passed the Ordinance of Secession, against which measure he opposed his counsels and his vote without avail. Also, the same year, he was elected to the House, and, as Chairman of the Committee on Ways and Means, he rendered signal service, by his experience and patriotism, in providing the means necessary for the public defense; always true to his State, and going to the full extent of

maintaining her organization. After the surrender, and in the Provisional Government, he was appointed a Judge of the Circuit Court, which office he held until the election, when he was defeated by Judge William B. Wood, of Florence, a gentleman who, to a long established personal influence, added a good military name in the Confederate service. This terminated the public life of Judge Posey, and in a year or two thereafter he died.

For about forty years he was connected with public employments in the State, and maintained throughout an unblemished character, both as a man and as a Christian. In person, he was tall, something over six feet. His manner was quiet, thoughtful, and dignified, rather reserved, especially in his public intercourse; but in the private circle of his friends, he was communicative and humorous. In public speaking, he was deliberate and advisory, rather in a conversational tone—never rash in his opinions or in action—but firm in adhering to his principles. He succeeded in accumulating a good property a few miles from Florence, where he dispensed an unaffected, substantial hospitality to his friends, as the writer can testify.

There is another feature in Judge Posey's character which it would be unjust to omit here. When a young man he embraced the Christian religion, and as far back as 1829 took out license as a Methodist minister, which relation was cherished through life, adorning his path, and his positions of honor and trust, upon the Bench, in the public councils, and in all the relations of life. Such a man, as legislator, as Judge, as Christian minister, was Sidney C. Posey.

CALVIN C. SELLERS, of Wilcox, was for several years Clerk of the Circuit Court of that county, and possessed of fine clerical and business habits. He studied hard, and after his admission he took a high rank at the bar. In 1844, he was elected to the Senate from the district comprised of Wilcox and Marengo counties, and served again through the session of 1845. In the Legislature he was prompt and intelligent, and shared in the debates with credit to himself; and socially, he was pleasant and affable. At these two sessions he made a good reputation as a legislator, and evinced considerable knowledge of Government.

In 1849, Mr. Sellers was the nominee of the Democratic party for Congress, in the Mobile District, and, after an animated contest, was defeated by Judge Alston of Marengo, the Whig nominee. This ended his public life, and in a few years thereafter he died.

Mr. Sellers was tall, probably not less than six feet four inches, and had rather a majestic appearance. His voice was strong, and under good command, and he spoke with ease to himself and

pleasure to his listeners. He had a laudable ambition for preferment, and, while he exercised the privilege of expressing his opinions freely, he was quite prompt in resenting any liberty which an opponent might take with his character. He was a strong man, both intellectually and physically, but with a temper somewhat exacting and dictatorial. If this be a defect at all, it is frequently seen in men who are distinguished for energy and success. Were Mr. Sellers living, perhaps he would have no objection to be ranked in such company, and there, with all his good qualities, it is no injustice to leave him.

#### MEMBERS OF THE HOUSE.

A number of gentlemen, serving in 1844, have been noticed as of other sessions, and only some who then appeared for the first time, and others heretofore omitted, will be specially introduced in this chapter.

FRANKLIN W. BOWDON, of Talladega, was educated at the University of Alabama, and selected the law as his profession. In 1844, and again in 1845, he was elected to the House, and by the force of his talents and his skill in debate, he at once became prominent. At the session of 1845, he was the champion of "Removal," and, in framing the bill for that purpose, he used such phraseology as to combine the question of "Biennial Sessions," with that of "Removal," in such a compact form, the one absorbing the other, so that no vote of the House could be taken on either as a separate proposition, under the ruling of the Chair, but both had to stand or fall together. This stroke of generalship gained the day for the friends of "Removal." The efforts and success of Mr. Bowdon on this question rendered him exceedingly popular in East-Alabama, and his reward was not long deferred.

By the death of Gen. McConnell, at Washington City, in 1846, a vacancy occurred in the Seventh Congressional District, to supply which a special election was ordered, when Mr. Bowdon and Mr. Thomas A. Walker, both Democrats, took the field in opposition—the former prevailing. In 1847, Mr. Bowdon was reelected over Gen. J. T. Bradford, his Whig competitor, and in 1849, he defeated Samuel F. Rice, Esq., who had recently forsaken his Democratic friends; or rather, who canvassed the district as a Taylor Democrat.

While in Congress, Mr. Bowdon did not shrink from the discussions usual upon the floor. He was too self-reliant, and had too much force to feel or exhibit the least degree of timidity. He rushed at once into the *melee*, and gave blow for blow with the grace of a veteran gladiator. The bill to establish the Territorial

Government of Oregon, introduced at the session of 1846-'7, contained this provision:

That in any Territory which may be secured to the United States from Mexico, slavery and involuntary servitude shall forever be prohibited.

While this bill was under consideration, January 16, 1847, Mr. Bowdon delivered a speech most elaborately prepared, and supported by authorities, in opposition to this feature—the Wilmot proviso renewed.

Mr. Bowdon retired from Congress in 1851, with a decided reputation for abilities; but in the meantime his habits had become irregular, and disqualified him from the proper discharge of representative duties. Here is a warning to the young men of Alabama, and they should heed its teachings. Seldom has such a prodigy appeared upon the stage of action as Franklin W. Bowdon, in physical and mental endowments, coupled with the gifts of oratory. When in 1845 he was the bold and victorious leader of "Removal," he measured strength with such men as Samuel W. Inge and Joseph W. Taylor, the young giants in opposition. Before the people he was invincible, and everywhere they crowded to hear him speak. In Congress he was a star, and shone brightly for a few short years, and returned a wreck. He removed to Texas, and in 1856 was on the Electoral Ticket for Buchanan and Breckinridge, and in a short time he died.

While rising in his profession, and just as his public life commenced, Mr. Bowdon married a daughter of the Rev. Thomas Chilton, an accomplished and elegant lady who graced society at the Federal Capitol—a fine specimen of the Southern woman in person and in mind. Higher praise cannot be awarded.

DANIEL CHANDLER, of Mobile, was a native of Georgia, and graduated with the first honors of the University of that State. In 1831, he was elected by the Legislature Solicitor-General of the Northern Circuit, which was presided over by the Hon. William H. Crawford as Judge of the Superior Court, who was Secretary of the Treasury from 1817 to 1825, during the administration of President Monroe.

It was a striking picture to contemplate. The grand old man who had been President of the Senate, Minister to France in the reign of Napoleon; who had for a while been in charge of the War Department, then conducting the national finances with consummate ability; then, of three candidates returned in 1825 to the House of Representatives, from whom a President was chosen; this great intellectual Colossus and physical giant, comparatively in ruins from an attack of paralysis in 1822, yet holding the scales of justice with an even hand, and a logical mind—sitting on the

bench, exercising high Judicial authority, and the young prosecuting officer, gifted with a superior intellect, which was adorned by careful literary cultivation—both officers of the law, charged with their respective duties—one as the setting sun, reflecting back his golden light, and the other a rising star, to shine beautifully in the horizon when ascended to its zenith—these two extremes, age and youth, the one dwelling on the triumphs of the past, and the other cheered by the hopes of the future—such a combination was morally sublime, and rarely witnessed in the affairs of life. Yet it was so, and it is of Daniel Chandler that I am now to give a passing account, after his term of office expired.

In 1835, Mr. Chandler delivered an Address on Female Education, before the Demosthenian and Phi Kappa Societies of the University of Georgia, the character of which, as a literary performance, may be inferred from the following:

PHI KAPPA HALL, August 7, 1835.

On motion of the Hon. JOHN MCPHERSON BERRIEN, *Resolved*, That in consideration of the splendid manner in which Mr. DANIEL CHANDLER has discharged the appointment as Orator, from the *Phi Kappa Society*, to deliver an oration on the day of Commencement—a committee be deputed to wait on him and request a copy of his eloquent Address for publication.

*Resolved*, That 5,000 copies of the Address be published at the expense of the Society.

Mr. B. C. Yancey was one the committee who applied for the address, to whom a copy was furnished by Mr. Chandler.

The address when published formed a pamphlet of twenty-four pages. It was widely circulated, and through its inspiration the first "Female College" sprung into existence; for in the year 1836 the Legislature of Georgia incorporated the "Wesleyan Female College," at Macon, which is the pioneer of all institutions of its class—the acknowledged fruit of Mr. Chandler's discourse.

In the meantime, Mr. Chandler had made up his mind to change his residence to Mobile, Alabama, as a better field for the exercise of his professional talents. Before his departure from Georgia, the bar of the Northern Circuit tendered him the compliment of a public dinner, which he accepted. In the course of a few years, John A. Campbell, Esq., his brother-in-law, removed from Montgomery to Mobile, where the two relatives formed a partnership in the practice of the law, which continued until 1853, when Mr. Campbell was appointed an Associate Justice of the Supreme Court of the United States.

At the session of 1844, Mr. Chandler immediately took rank with the active business members, and the best speakers in the House. His personal appearance was truly fine. A face more amiable in its expression never adorned any deliberative body. He was rather of a nervous temperament, and easily excited in

debate. His language was that of a finished scholar, and his elocution very pleasant to the ear. While his talents and his virtues gained him universal respect, he seemed to lack a concentration of purpose, and boldness of character, to propel him in the battle of life, where fame can only be won by a series of conflicts and triumphs. The Legislature afforded that arena, but Mr. Chandler was too unselfish, too modest, to improve the occasion by scheming his own advancement. He had no tact for political *ingenuity*, to use a mild term to express a large meaning, well understood in public life. He introduced a number of bills and resolutions, and offered amendments in the progress of measures, which showed that he well understood the best policy of the State, and the true interests of the people. His legislative record was much to his credit, though it was not equal to public expectation. He appeared to be satisfied with the experience of one session, and was not again a candidate. In politics, he acted with the Democratic party.

His success at the bar as an advocate was decided. He always had large crowds when it was known that he was to address the jury in some case where his powers of eloquence, and the beauties of his imagination, could be fully displayed. His moral teachings in his professional capacity, like those of Lord Erskine, were always intended for the good of his race; and, animated by a Christian sympathy, his zeal found ready appreciation. But it was not at the bar or in the Legislature that Mr. Chandler was most effective in doing good. It was in his social relations, and as a member of the Presbyterian Church, that his influence was most beneficially exercised. His qualities as a man and a Christian transcended everything else in his character. And it was well that he had this support, as troubles multiplied in his path. Misfortunes resulting from the war fell heavily upon him, and left their sad impress upon his mental and physical condition. Death terminated his sufferings in 1866. His tomb should be a hallowed spot.

Tread lightly o'er his ashes, ye men of genius,  
For he was your kinsman;  
Weed clean his grave, ye men of goodness,  
For he was your brother.

WILLIAMSON R. W. COBB, of Jackson, began his long career of public service at this session, as a member of the House. He had been engaged many years in the business of peddling clocks, by which he made a handsome property; and turning his attention to political life, he was elected from Jackson in 1844, and again in 1845.

His first enterprise in legislation was a bill which he introduced to amend the law exempting certain articles of housekeeping from

sale under execution, for the benefit of each family. To the table furniture specified in the existing law, he proposed to add a half dozen plates, a half dozen cups and saucers, and a coffee pot, or articles of a similar description. He made his *debut* on the floor in favor of his bill. It was evident to all that he was courting public favor by this *crockery* adventure, but no one supposed that he would be hardy enough to make it the stepping stone to Congress—a man then ridiculous enough in his manner and ideas to provoke merriment among his fellow-members. Of course the bill passed, because no one had any objection to securing the little pittance for the use of a family in reduced circumstances. In the course of the narrative, it will be seen how the rattling of this *crockery* by Mr. Cobb acted as a charm in killing off all successful competition to him afterward.

At the session of 1845, it became necessary for the Legislature to ratify or reject the amendments to the Constitution providing for biennial sessions of the General Assembly, and for the removal of the Seat of Government. On this question he made a speech which savoured of his love for the people, and voted for the ratification of both measures. Others did the same in sufficient number to make it prevail.

After his nomination by the Democratic party for Governor in 1847, the Hon. Reuben Chapman resigned his seat in Congress, and to the surprise of everybody Mr. Cobb took the field as a candidate to fill the vacancy. He was elected over William Acklin, Esq., his competitor. In 1849, Mr. Cobb was opposed by Jeremiah Clemens, Esq., whom he defeated, and in 1853, Clement C. Clay, Jr., Esq., entered the list against him with no better success. After this, Mr. Cobb had an easy time, as it was generally agreed that there was "no vacancy" in his Congressional District, if victory at the ballot-box was a criterion. For twelve years in succession he went to Washington City as a Representative in Congress. In January, 1861, when he was officially notified that Alabama had seceded, he took his leave of the House.

In 1863, Mr. Cobb was elected to the Confederate Congress, but did not take his seat, on purpose it was thought. His conduct subjected him to severe criticism by Southern men. He lost his life not long after the surrender, by the accidental discharge of a pistol in his own hands.

Mr. Cobb was a tall, long-armed man, of some intelligence and more shrewdness, and well versed in the school of the demagogue. This was his principal stock in political trade, and it paid him well. He never let an opportunity pass to secure a vote, and the mail-bags and post-office were his channels of communication, aided by the franking privilege. The Patent-office was brought under contribution, and more seeds were scattered through his District than

any other, addressed frequently to the mothers of some four or six voting sons. Public documents, wrapping paper, red tape, and sealing wax made up a large item in his operations. By this means he fed the people, and was at all times quite attentive to their interests. Every section in his District that wanted a mail-route, and any neighborhood that needed a post-office, was sure to be served by the influence of Mr. Cobb. In his speeches before the people, he was apt to play upon their prejudices of poverty, and always presented himself as the especial friend of the poor man, and for this reason, he alleged, he was opposed by the rich, &c., &c.

It is but an act of justice to say, that with all his demagogism, he was vigilant and true in guarding and promoting the interests of his District and section, and in the general his votes in Congress accorded with those of the other members from the State. He practiced one courtesy that made him many friends in the State, and contrasted him very favorably with some of his colleagues. He would look after the interests of gentlemen visiting Washington on business from Alabama, call upon them, show them round, accompany them to the departments, and introduce them. This was a marked service, and justly made Mr. Cobb many warm friends outside his District. Take him altogether, Mr. Cobb was a remarkable and successful man.

DR. EDWARD H. COOK, of Lowndes, a Whig, was elected for the first time in 1844. His intelligence, and the ideas he gained at this session of the modes of proceeding in the House, qualified him to take a more active part in the public business at the next session. He declined any further election to the Legislature, and in 1847, he was elected Judge of the County Court of Lowndes, the duties of which he performed with such competency, that when the Probate Court was established, he was elected Judge by the people, and continued in office while he lived. He has been dead many years.

Dr. Cook was truly a gentleman of the olden school, quiet, respectful, and agreeable in his intercourse with society. His service in the Legislature brought about him many friends of the Democratic party, as shown by their votes for him as Judge of the County Court, in opposition to a decided Democrat. He was a member of the Methodist Protestant Church.

ISAAC CROOM, of Greene, was a native of North Carolina, and graduated at the University of that State in 1815, as one of a class of eighteen graduates, among whom were John H. Bryan, afterward a member of Congress, Francis L. Hawks, a distinguished lawyer, divine, and historian, Willie P. Mangum, a Senator in

Congress, and President of the Senate, and Richard D. Spaight, Governor in 1834-'5.

Mr. Croom belonged to a wealthy and influential family connexion in North Carolina, which had furnished many talented sons, among whom was Hardy B. Croom, Esq., who, with his wife and daughters, perished on the wreck of the steamer "Home," off Cape Hatteras, in 1837, on the voyage from New York to Charleston.

Col. Croom was a planter of large means, and it was natural that he should desire a better opening than his native State afforded. He selected the rich soils of Greene county, Alabama, for his future agricultural operations, and removed there with his property about the year 1830. Of well cultivated mind, he furnished many valuable communications to the press, bearing on his favorite pursuit, which had a good effect on the planting interests of the State. He was for many years President of the State Agricultural Society, and took a leading part in getting up the State Fairs, which have since proved of great public utility.

While serving in the House at the session of 1844, he made a very able speech in support of the bill providing for the maintenance of the public faith, and the payment of the indebtedness of the State to the last dollar. He shamed the idea of repudiation as a reproach and dishonor to any people. His manner was impressive, and his arguments unanswerable. It was generally believed that his speech on the question had a marked influence in producing that unanimity in the House with which the public credit was sustained, and the doctrine of repudiation branded with scorn.

Col. Croom was a Whig in politics, but was so liberal and courteous toward those who differed from him in opinion, that he had many friends in the Democratic party. He was President of the State Historical Society, which was organized a few years before the war. In all the positions which he held, he acted a wise and faithful part, and long will the people of Alabama, especially in the rich planting section of Greene, Marengo, Perry, Sumter, and Dallas, remember his valuable services with gratitude. He was a gentleman of dignified deportment, yet affable at all times, and carried with him the evidence in his personal address, that he had been accustomed to the best society all his life, as to the "manner born." He died suddenly, a year or two after the close of the war, aged about seventy years.

HARRELL HOBODY, of Pike, was a planter of extensive wealth and a good financier. He was for many years a leading man in the county, and seldom failed of an election before the people. He served the people in the House and Senate, with sound practical ability, and close attention to business. An old settler in the

State, acquainted with its prominent public men, a Democrat, unvarying in his adherence to its principles and organization, he had the confidence in council of the leading men of the party. He had no other ambition than to serve the people faithfully, and to keep the ship of State on the right track. He was in no wise selfish as a politician or public man; but would talk a good deal of his possessions, and give, as a reason for wanting the Legislature to adjourn, that he wished to visit his plantations in Arkansas, and perhaps in other States. This may have been a weakness with him, and if so it was certainly innocent, and hurt nobody. Mr. Hobdy was an excellent citizen, and died a few years ago.

SAMUEL W. INGE, of Sumter, was a son of Major Francis Inge, of Greene county. After his admission to the bar, he settled in Livingston, to pursue his profession, and was elected to the House in 1844 and in 1845. He was a ready, fluent, and agreeable speaker, bold and impetuous in his manner, and always equal to the occasion. In debate, he was a formidable antagonist to encounter. Very few young men possessed his tact and resources. On the question of "Removal," at the session of 1845, he was a leading supporter of the claims of Tuscaloosa to remain as the Seat of Government, and his speech on that occasion was a masterly effort. But the two propositions to be ratified were so united in a bill artfully drawn for the purpose by Mr. Bowdon, of Talladega, that "Biennial Sessions" and "Removal" had to receive a common fate.

Such was the reputation that Mr. Inge acquired as a legislator at the two sessions, that in 1847 he was nominated by a Democratic Convention, as a candidate for Congress in the Tuscaloosa District, over Mr. Payne, who had represented it several terms. Mr. Inge had for his competitor a strong man, William M. Murphy, Esq., his first cousin, and these two gentlemen, well matched in ability, and in popular eloquence, canvassed the District with marked zeal and courtesy, never forbearing in argument when it would prove effective, and never forgetting the amenities of honorable competition. A week or two before the election, they met at Northport, in Tuscaloosa county, for discussion, and the Hon. William R. King, happening to be on a visit to his relatives in the town of Tuscaloosa, was present in the large collection of people to hear the candidates speak. Although the Bank of the United States had been dead since 1841, and the question of its re-charter was settled by the veto of President Tyler in that year, it was a favorite *ghost* which Mr. Inge carried with him to frighten the people, and at Northport he exhibited the apparition of the *monster* in its most hideous form, and denounced the Whig party as Federalists in principle, for attempting to exercise power by the

creation of a Bank for which there was no warrant in the Constitution. Though sitting with great composure and dignity, as was his habit, Col. King manifested some little embarrassment in his countenance, and his fine, healthy complexion assumed rather a crimson tinge, as his friend, Mr. Inge, struck blow after blow, with sledge-hammer force, on the supporters of that *rotten*, Federal institution. Other topics were touched upon with due force, and then Mr. Murphy rose in reply.

He answered all the objections of his opponent, and with a complimentary allusion to Col. King, he felt gratified that he had so distinguished a hearer, and he might add, so distinguished a witness, one so influential in the Senate of the United States, and one so potent with the Democratic party, who, in early life, had represented another State in Congress, about the time the United States Bank was re-chartered in 1816, and knew the condition of the country which called for such an institution, and the patriotism and honor of the men who voted for its establishment. Here Col. King's face turned a still deeper red, and his shoulders fairly twitched. Mr. Murphy perceiving his confusion, attributed it to his modesty under the compliment he had bestowed upon him, and forbore further personal allusion.

After the discussion was over, and Mr. Murphy was returning to the city with a number of his political friends, one of them remarked to him, that if he had gone only one step farther, and stated that Col. King voted for the Bank charter in 1816, as a Representative in Congress from North Carolina, he would have estopped Mr. Inge in his charge of Federalism against the Whigs who were in favor of a Bank. Mr. Murphy asked if such was the fact? On being assured that it was, and that the Journal of the House would show it, he expressed his sincere regret that he had not known it in time, for he would certainly have referred to it in terms that would not have offended Col. King, whilst it would have silenced that everlasting howl of "Sam. Inge" against the integrity of those who favored a Bank. But the occasion had passed, and the advantage within his grasp was wholly lost, as the last speech in the canvass had been made. Either from the pressure of the Bank question, or some other influence, Mr. Murphy was defeated, and Mr. Inge, the young Democratic champion, was covered with Congressional honors.

In 1849, Mr. Inge was a candidate for reelection, and succeeded over his able Whig competitor, Joseph G. Baldwin, Esq. After this term expired, he seems to have been content with his experience at the Federal Capitol, as he declined further service in Congress. While there, he shared freely and boldly in the exciting discussions which took place, and was always among the foremost in defending the rights of the South from Northern aggression.

On another subject, he had a personal difficulty with the Hon. Edward Stanly, a Representative from North Carolina, which resulted in a hostile meeting at Bladensburg, or its vicinity, where shots were exchanged without serious injury to either.

Resuming his practice at the bar, Mr. Inge was next appointed by President Pierce, United States Attorney for the District of California, which caused his removal to the Pacific coast, where he remained until 1866, during which year the writer met him at Montgomery, as he was preparing to return to California. In a year or two thereafter, Mr. Inge died suddenly, a man of note, of personal courage, and of inexhaustible resources as a politician. He was inclined to be stubborn in his purposes, and considered himself fully competent to manage his own affairs without advice, rather overbearing in the assertion of his rights, and his claims to preferment. There was some austerity in his manner as though the world had not exactly pleased him.

ROBERT JEMISON, Jr., of Tuscaloosa, was born and educated in Georgia, and was long a school-mate of Dixon H. Lewis, at Mount Zion Academy, Hancock county, under the direction of Dr. Nathan S. S. Beman. His father, William Jemison, was a very large land owner, including the rich settlement in the vicinity of Tarversville, Twiggs county, and removed to Alabama about the year 1820, settling in the neighborhood of Tuscaloosa. Here commenced the prosperous course of Robert Jemison, who always added, and perhaps still adds, "junior" to his name, to contradistinguish it from an uncle, for whom he was named.

Mr. Jemison had served in the Senate prior to 1837. The political excitement of 1840, brought him out on the Whig ticket, and he was elected to the House, and was reelected to that body in 1841, 1844, 1845, 1847, and 1849. In 1851, he was returned to the Senate, of which he continued a member for twelve years. In 1861, he was a delegate in the Convention, and voted against the Ordinance of Secession, using all the arguments in his power to show its impolicy. After the State had taken position, he devoted his great powers and energies to the defense of her rights and her sovereignty. In 1863, upon the assembling of a new Legislature, he was unanimously elected President of the Senate, a position he did not desire, but one which he filled with dignity and ability. A few days thereafter, a still higher compliment was paid him by his election to the Senate of the Confederate States, to supply the vacancy caused by the death of Mr. Yancey, a place which he held at the time of the surrender.

At no period in the legislative history of Alabama has any man been more intimately connected with the important interests of the State than Mr. Jemison. His mind was strong and capacious

in its grasp, safe in its conclusions, and always centered in the public welfare. Though a decided partisan in his attachments to principle, he was ever open to conviction, and ever ready to do right. His character in this respect was so fully established, that the Democratic Speaker (L. P. Walker, Esq.) appointed him Chairman of the Committee on Ways and Means at the session of 1847, when the whole revenue system of the State had to be reorganized, to sustain the public credit, and to defray the expenses of the Government, after the Banks had been put in liquidation. It is not saying too much when it is claimed for Mr. Jemison that a better appointment could not have been made. He applied himself vigorously and successfully to the task, and gave form and substance to those various measures which have since proved so beneficial to the State and the people. While in the House, he continued to act as the head of the Committee, and on his transfer to the Senate, he was made Chairman of the Committee on Finance and Taxation. A complete revenue system came from his hands, which has upheld the honor of the State, and satisfied public expectation. In the department of finance and political economy, Mr. Jemison has no superior as a statesman.

It was through his influence that the Asylum for the insane was established near Tuscaloosa, and that large sums of money were granted to rear up the institution in a style which reflects honor upon the State. Mr. Jemison also projected and carried through the charter of the North-East and South-West Railroad, which has resulted in the Alabama and Chattanooga Road as its successor. Indeed, there are few, if any, measures looking to development and progress, which Mr. Jemison has not aided in carrying forward. His ample legislative record is full of practical wisdom, without the glare or frivolity of mere abstractions. Take up the Journals of the House or the Senate for the many sessions in which he served, and it will be observed that more salutary amendments to bills and resolutions were offered, and more judicious matter introduced by him, in various shapes and modifications, than by any other member of the Legislature. He has a large, working brain to devise and comprehend systems of policy, and the skill to carry them into execution.

Having said this much respecting the public life of Mr. Jemison, it only remains to add that he has been a large planter from his youth, and has been connected with many valuable enterprises in milling and manufactures, and has in other respects used his large fortune for the good of the community, always setting an example of liberality and perseverance in his plan of operations. Whenever he builds a mansion, or makes improvements of any kind, it is always on a plan of his own, princely in the concep-

tion, and with taste in the surroundings. He at present resides in the city of Tuscaloosa, where, and in the vicinity, he has passed fifty years, or thereabout. The war, no doubt, has greatly diminished his wealth, and cut off the means to which he had been accustomed in carrying on his several plantations, and his manufacturing establishments; but it is hoped enough remains to make the evening of his life comfortable, as the meridian has been honorably devoted to the public service. In this respect, no citizen of Alabama is in advance of Mr. Jemison, nor is there any who excels him in the attributes of a solid, noble character.

[NOTE.—The foregoing sketch was written in the Spring. Mr. Jemison died October 16, 1871.]

DR. PLEASANT W. KITTRELL was raised in North Carolina, and graduated in the State University, in the class of 1822. It is presumed that he received his medical education in Philadelphia, from his skill and success in the practice, as there was no other institution in the country, about that time, which offered such thorough instruction to medical students. At what time he removed to Alabama I am not informed; but he was well established in his profession, and in the confidence of the people many years before he was elected to the House in 1844. He possessed wit, repartee and fine conversational powers, which rendered him a favorite with both sexes. He was also a good speaker, and never turned aside from a tilt with any gentleman in discussion. His industry, intelligence and sound judgment made him, in legislation, what is usually termed, in such cases, a valuable member.

Dr. Kittrell was a Whig, "without discount," of the old North Carolina stripe. He was reelected in 1845 and again in 1847—the latter year being the first session held at Montgomery, where he took a leading part in the proceedings and debates of the House, and was listened to with attention. His reports from committee were well framed, and showed an intimate knowledge of the subjects referred. He was favored with a comely person, dressed in good taste, and had the cultivated manners of a gentleman.

The session of 1847 was his last, as he declined any further public employment in Alabama, and soon thereafter removed to Texas. The writer met Dr. Kittrell at Charleston, in 1860. He had made it convenient to be present at the National Convention to meet with many old friends, and to visit his former home in North Carolina. If I mistake not, he has been called by the people among whom he settled in Texas, to positions of honor and trust. No gentleman was more courteous, or more generally respected, and such representatives of the old North State do honor to the land of their birth and education. He was a member of the Methodist Episcopal Church.

COLUMBUS W. LEE, of Perry, was probably a Georgian, although of this I am not certain. My first acquaintance with him was in 1837, when he was a member of the House, in which he had served previously, and was prominent in the State Right's party which, for several years, held the balance of power in the Legislature. He drifted into the Democratic party, in connection with many gentlemen of his creed, upon the Sub-Treasury policy of Mr. Van Buren. He was in private life a while, and perhaps on one or two occasions defeated, until 1844, when he was elected, and served through the session.

In 1852, Mr. Lee was on the Democratic Electoral Ticket, and helped to cast the vote of the State for Pierce and King. In 1860, he was upon the Douglas Electoral Ticket, and canvassed for that gentleman. His convictions led him to oppose the policy of secession in 1861, although he went with his State in her subsequent efforts for defense. In 1865, he was a delegate from Perry county to the Convention which framed the Constitution of that year, and soon thereafter canvassed for Congress in opposition to Joseph W. Taylor, Esq., and was beaten.

While in the Legislature, Mr. Lee exhibited traits of character which marked him as an original speaker, and master of thought and sarcasm. His comparisons were usually drawn from nature in her grotesque moods; and with his fine, large person, and beaming face, and strong voice, and a supply of language which seemed to express more, and to do more execution when he brandished his tomahawk in debate, than any man I ever heard speak; he could crush his antagonist at a blow, or hold him on the rack of torture until his nerves quivered with agony, as if for amusement. An instance of this scathing process will be related.

A bill touching the interests of the State University was before the House, when a young member, serving his first session, rose with considerable pretension and pomp, and began to administer a lecture to the more experienced class, on their duties generally as legislators, and signified that they were wholly incompetent to make laws for the government of the University—an honored institution of which they were ignorant, as few of them had ever pursued a course of studies there, to qualify them for a proper discharge of their public duties. He (the speaker on the floor) had the honor of being a graduate of the University, and he felt it his duty to throw light on a question little understood by men who had never been through college. He then proceeded to deliver his views with scholastic fastidiousness, and finished what he considered the ablest effort which the session had called forth.

Mr. Lee instantly took the floor in reply, and commenced by saying, that the House and the country ought to be under great obligations to the gentleman who had just taken his seat, for the

information that *he* was a graduate of the University; for he was sure they never would have found it out any other way. He had observed the gentleman as a member, that he addressed the House with much precision of language and manner; but still it had never occurred to him that he was a graduate of a University. He had noticed the gentleman's fine cloak, which he wore in the "Middle Temple" style; his high-heeled boots; his fine whiskers, so fashionably designed and carefully cultivated; and his kid gloves, worn and handled so gracefully; but still, it never had occurred to him that he was a graduate of a University. And in that vein Mr. Lee went on until he had covered the young man all over with ridicule, and brought the House to a general roar of laughter at the expense of his victim. Such were his faculties in this direction, spontaneous and overwhelming when provoked, that Mr. Lee was a man to be equally admired and feared. He was by no means captious, or easily offended, and had no malice whatever in his composition. The power flashed from him apparently without an effort, and was the more destructive to his antagonist, because it seemed so natural.

Mr. Lee made himself familiar with most public questions, and was a giant in debate. His appearance on the floor, in the majesty and expression of his features, reminded one of the Earl of Chatham, in the House of Peers, who, grand as he might show himself in debate, always seemed to hold back his strength, and to reserve better thoughts than he had uttered.

Through energy and good management, Mr. Lee had succeeded in acquiring a large property in the neighborhood of Union Town. He was a member of the Baptist Church, and died in 1868.

WILLIAM S. PATTON, of Sumter, was a Brigadier-General of militia, a Democrat of some position and influence, and withal a gentleman in his deportment and character. He removed to Mississippi not long after the session of 1844, through which he served in the House, became a member of the Legislature of that State, and Speaker of the House of Representatives. I have lost sight of him for several years. He was a member of the Methodist Episcopal Church.

PHILIP PHILLIPS, of Mobile, was a native of South Carolina, and was a member of the Convention in that State which passed the Ordinance of Nullification in December, 1832, though, as the record is not before me, I am unable to say whether he voted for or against that measure. He married Miss Levy, a very beautiful and accomplished lady of Charleston, and removed to Alabama, settling in Mobile, to practice law.

The first time I ever saw Mr. Phillips was in 1838, when he

was President of a State Democratic Convention at the Capitol. His personal appearance was commanding and dignified. In 1844, he was elected to the House, and placed on important Committees, reports from which, through him, have been noticed in a preceding chapter. He was a strong debater, and very attentive to the public business, by which he gained a high reputation among his fellow-members. Though always affable and courteous as a gentleman, he seemed to care very little for social enjoyments when they in the least interfered with his legislative or professional duties.

In 1851, he was again elected, and took his seat in the House amid the agitation and confusion which arose from the mingled topics of Union, Compromise, State Rights, and fire-eating, into which different parties were arranged, all presenting a medley of political questions which were brought into the House, of rather an embarrassing character. Mr. Phillips, who seemed to comprehend the situation, was cautious and prudent. His speeches on some of the important questions sprung early in the session, placed him at the head of the Democratic party, and this position he occupied with increased influence throughout the session.

He was made Chairman of the Committee on Internal Improvement, and in discharging the duties of that place, he evinced a very accurate knowledge of the wants and interests of the State in the line of development, in bringing her resources into action, and thus increasing, not only her commercial facilities, but her revenue from the augmented value of taxable property. His report on this subject was a masterly paper, of which a large number of copies were ordered to be printed for circulation among the people. This document attracted much notice, even beyond the limits of the State, for the ability it displayed.

At a Democratic Convention, in the Winter of 1851, which resulted in the reorganization of the party on a platform resolution offered and advocated by Mr. Phillips, he was appointed a delegate from the State at large to the National Convention at Baltimore, and participated in the nomination of Mr. Pierce for the Presidency. In 1853, he was the nominee of the Democratic party for Congress in the Mobile District, and was elected over the Hon. E. Lockwood, his Whig competitor. In Congress, Mr. Phillips made a strong and favorable impression by his talents in debate, and by the superior intelligence which he brought to bear on all questions of National policy. He was recognized as among the leaders of the House.

Before the expiration of his term in Congress, Mr. Phillips was mentioned by papers in various localities in the United States, as a gentleman well qualified to take charge of the Navy Department, and there is no doubt, had he been selected, he would have

made an efficient Secretary. Indeed, no safer counsellor could have been invited into the Cabinet. He left Congress with a National reputation, of which any man may be proud. Since that time he has been engaged in the practice of the higher courts, particularly at Washington.

When New Orleans was captured by the Federal gun-boats, under the command of Admiral Farragut, in 1862, Col. Phillips, with his family, was residing in New Orleans. For some cause, Mrs. Phillips incurred the displeasure of Gen. Butler, the military commandant of the city, who banished her to Ship Island, where she was detained several months in captivity. In the meantime, her proud Southern spirit never quailed, and she remained firm to the last in the opinions she had expressed, and in the look of scorn she had cast on the invaders of her home, for which her punishment had been decreed by an officer who seemed to delight in torturing ladies, who happened to avert their gaze from disagreeable uniforms, and to give the widest room on the pavements.

The newspapers at the time were filled with the particulars, and with comments on the harsh proceedings against Mrs. Phillips. She became quite a heroine, and to this day is remembered with admiration by all generous minds, as one of the first victims which rendered a certain *administration* in New Orleans immortal for—*eccentricity*.

Col. Phillips has acted a conspicuous part in political and professional life, throughout which his honor has been untarnished, and his usefulness acknowledged. The respect and plaudits of the people of Alabama accompany him in his retirement.

NATHANIEL J. SCOTT, of Macon, entered the House as a member first in 1841. He was again elected in 1844, and served with commendable zeal and fidelity the large and wealthy county of his residence. In 1847, he was elected to the Senate, and served during that session, after which he retired, and gave his attention more closely to the business of planting, by which he accumulated a large property. He devoted much of his time and energy to the establishment and building up of the East-Alabama Male College, at Auburn, under the patronage of the Methodist Episcopal Church, and was for many years a Trustee.

Mr. Scott came from Georgia, and possessed the indomitable perseverance for which the men of that State are remarkable. His will and his resolution admitted no failure in his plans and efforts. Sometimes he appeared to lack that prudence and culture so necessary in a public man. He was, however, the uniform supporter of sound measures of legislation, and was the friend and patron of temperance for a season. This excited opposition to him in some quarters, and with a popularity waning, he relaxed

his temperate habits, and indulged in the *social element*, perhaps to obtain favor with the enemies of his past exemplary course. The penalty of such indulgence visited him ere long, and he died a few years ago in the meridian of life.

JOSEPH SEAWELL, of Mobile, was born and educated in North Carolina. He was a son of the Hon. Henry Seawell, who was appointed by President Monroe a commissioner under the treaty of Ghent with Great Britain, to award for the slaves taken during the war of 1812; and was also appointed, in 1811, Judge of the Superior Court, which office he held at the time of his death in 1835.

About the year of his father's death, Mr. Seawell settled in Mobile as a lawyer. He was elected to the House in 1844, on the Democratic ticket. In 1845, he was returned to the Senate, and served through that session. In 1847, he was elected by the Legislature, Judge of the County Court of Mobile, which was regarded as one of the most lucrative offices in the State. When the election was given to the people in 1850, he was left out, and has since remained in private life.

Mr. Seawell was a gentleman of fine social qualities, and excelled in humor and anecdote. His company was much sought, for the entertainment it afforded. As a legislator, he was attentive to the proceedings of the House, and occasionally mingled in the debates with fair success. His youthful mind had been dazzled by such advocates and jurists as John Stanly, William Gaston, Francis L. Hawks, George E. Badger, and Louis D. Henry, of the North Carolina bar; and the comparatively dry practice of the Alabama Courts—its system of special pleadings, and its subdued style of oratory—seemed to have no great attraction for him. At least such was the reasonable inference from his moody contemplations of the past, and the passive interest with which he regarded men and things around him. As a gentleman, as a lawyer, and as a legislator, Mr. Seawell was held in high estimation by those acquainted with him.

THOMAS WILLIAMS, JR., of Montgomery, was born in Williamsburg District, South Carolina, in the year 1789, and was admitted to the bar at Charleston in 1811. He was a member of the Legislature from 1820 to 1834, and was strenuously opposed to the doctrine of Nullification. In the fall of 1835, he removed to Alabama, and settled in Mobile as a lawyer, where he remained a few years, and in 1841 he changed his residence to Montgomery, from whence he was elected to the House, as a Whig, in 1844.

To those who are acquainted with the eminent abilities of Col. Williams, it is unnecessary to say that he at once occupied the very

highest rank as a debater and business man, in the Legislature. His great experience in a similar body in his native State, where he was among the foremost even there, gave him a maturity and ease in the proceedings which no other member possessed, and which justly secured him great influence.

In 1840, Col. Williams was on the Whig Electoral Ticket for the support of Gen. Harrison and Mr. Tyler, and made a number of speeches in the canvass. His long intimacy with politicians of the highest stamp, and his controversies with them in South Carolina, made him perfectly at home on the hustings. Of course, the ticket failed of success, against the large permanent Democratic majority in Alabama.

But it was in the character of an advocate, that Col. Williams appeared to most advantage, and, in this, he probably had no superior in the State. In 1840, he assisted the Attorney-General in the prosecution of Washington Moody, Esq., a member of the bar, for killing John Cantly, late a merchant in Tuskaloosa, and a Bank Director. The trial was had at the March term, 1840, of the Circuit Court of Tuskaloosa county—the Hon. Peter Martin, Judge, presiding. The counsel for the defense were Messrs. Harvey W. Ellis, William Cochran, and Joshua L. Martin. For the State, Mr. Attorney-General Lindsay, and Col. Williams.

Another case of homicide was tried in Tuskaloosa, in which Col. Williams appeared to great advantage for the defense. In 1839, Thomas Jemison, a mere youth, while in a state of inebriation, killed an Irishman named Dailey, the keeper of a drinking saloon. Young Jemison belonged to a wealthy family, of great influence, who, to avoid the consequences of a trial when public opinion was so strongly against him, sent him to Europe, where he remained several years. In the meantime, the relatives of Mr. Jemison had generously provided for the widow and child of Mr. Dailey, and in 1846 the excitement had subsided, when the exile returned to stand his trial. On this occasion, Col. Williams was the leading counsel, who displayed great tact and ability in the management of the defense. The closing part of his speech was truly eloquent. He acquitted his client, and thus removed the painful suspense of the community which had existed for seven years.

From the "Bench and Bar of South Carolina," by John Belton O'Neall, LL.D., President of the Law Court of Appeals and the Court of Errors, published in 1859, a few extracts are submitted:

I first saw Col. Williams at Union Court-House, at an adjourned term of the Court, held by Judge Johnson, in August, 1818; and there I first had the pleasure of hearing one of his forensic efforts. He then seemed to be worthy of the position he had long held in our Courts as one of our ablest jury lawyers.

After mentioning several incidents in the legislative and professional career of Col. Williams, and noticing some of his able arguments in the Court of Appeals, (2 Hill, p. 132,) the author concludes:

Colonel Williams, in a Court-House and before a jury, was one of the most plausible, forcible, and successful advocates whom I have ever heard. He never pretended to be a learned lawyer. I recollect his saying to me, relative to the case of *Howard vs. Williams*, 1st Bailey, 575: "I always understood the law better when ruled in my own cases."

When I speak of him as a jury-lawyer, I do not mean to detract from him in other respects. I have heard him make many, very many fine arguments in the Circuit Court of Equity, and in the Court of Appeals.

Colonel Williams, when I last saw him, was a fine specimen of a Carolina gentleman, fully six feet high, of athletic frame and proportion, complexion and hair dark, with a remarkably intelligent face, manners courtly and polished. Time, I know, has, ere this, blanched his raven locks, dimmed the lustre of his eyes, and shaken that frame which was once unyielding. Still I know, that, although he may soon see three-score-and-ten, he, like my venerable friend, Governor Johnson, said of himself, he has "a young heart," and one which beats true to wife, children, friends, and country. [Vol. II, p. 459.]

Col. Williams has been dead several years.

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## CHAPTER XXIV.

### *Governor Martin's Election—Session of 1845—Judicial and Legislative Sketches.*

The year 1845 was noted for the political excitement which attended the canvass for a successor to Gov. Fitzpatrick, whose term of office expired in December of this year. Col. Nathaniel Terry had many friends who urged his claims to the honor. A Convention of the Democratic party was called to meet at the Capitol in May, to make a nomination. From some cause, there was not a general interest in holding public meetings in the contest, and but a thin convention, in numbers, appeared on the day. The boat from Mobile, with the delegates from that and other river counties, was detained, and in view of their thin attendance, it was proposed to adjourn until the next day.

The friends of Col. Terry thought a nomination of their favorite more certain with the *material* present, and so voted down every proposition for delay, and proceeded to nominate him as the candidate for Governor, and adjourned the same day. Sev-

eral members of some prominence protested against the action as hasty, and unjust to the delegates on the way, who had been kept back by accidental detention on the river, and read their protest aloud in the Convention, which paper was afterward printed and scattered abroad.

The Whig editors and leaders, defeated the year before in the Presidential election, thought they saw signs of party trouble, and were not slow in fomenting it. Dissatisfaction showed itself in many localities, and succeeded in bringing upon the turf, as the competitor of the nominee, Chancellor Joshua L. Martin, a life-long Democrat, who had been intimately connected with its organization from the existence of the State—a North-Alabamian by long residence, where he had been Judge of the Circuit Court and Representative in Congress, and since then had been upon the Chancery bench in Middle-Alabama, and who, withal, had a large and influential family relationship in several important localities of the State. In facing him, Col. Terry had to contend with many difficulties. And then he and his friends made a great mistake in the temper of the people, and in relying too much upon the conclusive strength of a Democratic nomination.

Before the day of election arrived, the excitement in the Democratic party was at fever heat, from the friction of dissension and division. After the certainty of opposition was manifest in the party, the Whigs said but little, taking the ground that it was a family quarrel with which they had nothing to do; but at voting time, the largest portion of the Whig party, of course, voted for Chancellor Martin as against the nominee, to promote discord in the Democratic ranks, and thereby, if possible, to weaken their organization which had hitherto been compact and invincible. The result was, that Col. Terry was beaten by about 5,000 majority, the first Democratic defeat that had ever taken place in a State contest, and, in consequence, many long faces were to be seen in most quarters where the usage of the party, and its regular nominee, was always accepted as a matter of course, until this *fatal* departure from the old political landmarks.

The writer remembers the effect when news of the final result arrived at Tuscaloosa, the Saturday night after the election. The mails were in from the East and North-east, including the district of Gen. McConnell, who had himself bolted the nomination of Mr. Rice, and opposed him as an independent candidate for Congress, increasing thereby not a little the political demoralization that was extant. By the time the mail was assorted for delivery, a large concourse of Terry-men had assembled on the pavement about the Post-office, and when the door was thrown open, and the news proclaimed which settled the election beyond all doubt, I very much question whether a cannon charged with grape, and

fired along the pavement, could have cleared it much sooner. It was quite dark, cloudy, and a storm approaching, and the defeated Democrats concluded to take shelter at home. The writer knows one of that party who, upon that occasion, traveled a mile in the dark, without any *political light* to direct him, and went to sleep, to dream of the uncertainty of elections, and the instability of party organization, once in a while.

This year, elections were also held for Congress, and resulted in the choice of the Hon. Reuben Chapman, in the Huntsville District, without opposition. Gen. George S. Houston, in the Florence District, was reëlected in like manner. In the Tuscaloosa District, there was an animated contest between Mr. Payne and John Erwin, Esq., in which the former was successful by a large majority. In the Mobile District, Judge Dargan and Col. Dunn were the representatives of their parties in the contest, and the former was elected. Having returned from his foreign mission, Mr. H. W. Hilliard was presented by the Whig party as its candidate in the Montgomery District, and Mr. John Cochran entered the list on the side of the Democratic party. The canvass was conducted with ability, amid a good deal of enthusiasm, and some excitement; but Mr. Hilliard received the commission at the hands of the people. In the "Bloody Seventh," as it was called, the friends of Mr. Rice out-managed those of Gen. McConnell in a district convention, and so he was nominated. Gen. McConnell contended from the start, *that he* was already in position as the nominee of a previous convention, ratified by the people, and that he was not going to be put off in any such way. So he declared himself an independent candidate, and the contest was vigorous on both sides; but the General was victorious, leading the nominee in the District by hundreds, if not thousands.

The events, speeches, anecdotes, repartee, and retorts of this canvass would fill a volume, illustrating the character of the contestants in that species of warfare, their ready wit and inexhaustible resources on the stump. The times then seemed to be propitious for such weapons of attack and defense. One instance only will be related. It can hurt nobody, inasmuch as Judge Rice was signally vindicated from the charge, by a vote of the Legislature. He had hinted in a speech that Gen. McConnell would indulge too freely in a social glass; in fact, that the habit had been so long continued, that he was out of his element when sober, and suffering, as he would say, with "*water brash.*" The people had come to regard him as social and convivial, and so he indulged and treated. The objection was repeated in one of the counties, to which Gen. McConnell, quick as lightning, replied :

Fellow-citizens, I know you have a poor chance for a Representative in Congress; for you have to take Felix McConnell, the walking demijohn, or my oppo-

nent, (naming him,) the Bank swindler. So choose between my opponent and myself. Both remind me of a man I know in *Linkhorn*, Tennessee, who never had any character until he stole a side of sole-leather, and he always had a *very* bad character after that.

In such assaults as these, in which he always included himself, he made his antagonist feel the blow, and he got the benefit of it.

In the Wetumpka District, Mr. Yancey was elected over Mr. Daniel E. Watrous, his Whig opponent. All of these gentlemen have been previously noticed in this work.

While the Democratic party was considered defeated in the Gubernatorial contest, the Legislature elected at the same time was true to the old party landmarks. The masses had been prevailed upon to bolt the nomination, and here and there a leader of his county had also bolted; but, as a general thing, the captains of fifties and hundreds stood firm to the organization; and when the Legislature met, it was found that the effective strength of the party was not impaired, but rather intensified. Gov. Martin, himself, avowed his adherence to the life-principles of the Democratic faith, not only in his interviews with the members as they arrived, but he put it into his inaugural address, to the disappointment of the Whigs. But the old leaders of the Democratic party, who were smarting under the defeat of the party organization, were slow to become reconciled, politically, to the Governor elect; and while they determined to make no war upon his administration, stood aloof from a recognition of him as the exponent and leader of their party.

Two important questions were voted upon by the people this year, to-wit: An amendment to the Constitution of the State, proposing to have Biennial Sessions of the Legislature, and to strike from the Constitution the section under which the Seat of Government was located at Tuscaloosa. These two questions were submitted separately; and in order to secure the most correct returns, the Secretary of State issued blank forms to be used throughout the State. In this way, the returns were made with remarkable correctness, and the result will appear in this chapter.

The two Houses assembled at the Capitol, on the first day of December, 1845, and the attendance was large. In the Senate, 30 out of 33 members, and in the House 86 of 100, answered to their names. In the Senate, John A. Winston, of Sumter, was elected President over Benjamin Hudson, of Franklin—the vote being 15 to 13. Pleasant Hill, of Bibb, was elected Secretary, without opposition, and Wilson M. Kidd was elected Assistant Secretary, after about 25 ballots; A. R. Thomas, Door-Keeper.

The leading men of the Senate may be seen by glancing at the principal Committees, the Chairmen being:

- On the Judiciary, Mr. McClung, of Madison;
- On Federal Relations, Mr. Joseph Seawell, of Mobile;
- On Education, Mr. John Gill Shorter, of Barbour;
- On the State Bank and Branches, Mr. Walker, of Lawrence;
- On Military Affairs, Gen. Huey, of Talladega;
- On Internal Navigation, Mr. Wilson, of Jackson;
- On 16th Section Fund, Mr. Posey, of Lauderdale.

In the House, Andrew B. Moore of Perry, George W. Gayle of Dallas, and Green P. Rice of Morgan, were placed in nomination for Speaker, when the vote stood, respectively, 53, 15, and 17, in the order of their names. Mr. Moore was elected Speaker of the House, a position which he had held two sessions previously. Joseph Phelan was reelected Clerk; A. B. Clitherall, Assistant Clerk; W. C. Bibb, Engrossing Clerk; and James H. Owen, Door-Keeper.

The important Committees were placed in charge of the following gentlemen, each as Chairman:

- On the Judiciary, Mr. Bowdon, of Talladega;
- On Ways and Means, Mr. Gayle, of Dallas;
- On Federal Relations, Mr. Hubbard, of Lawrence;
- On the State Bank and Branches, Mr. Clay, of Madison;
- On Education, Mr. Norman, of Franklin;
- On Internal Improvement, Mr. Porter, of Tuskaloosa;
- On Propositions and Grievances, Mr. Jackson, of Autauga;
- On 16th Section Fund, Mr. Watts, of Butler;
- On Accounts and Claims, Mr. Kittrell, of Greene.

Gov. Fitzpatrick's annual message was delivered on Tuesday, by Col. Garrett, Secretary of State. It was short, pointed, and business-like, much after the style of Patrick Henry, when he was Governor of Virginia. As an act of justice to the memory of an illustrious personage, as well as the retiring Governor himself, the closing part of his message is here given:

Since the adjournment of the last Legislature, the public sympathy has been most painfully excited by the death of Gen. Andrew Jackson. That event, though not unexpected, has nevertheless exerted an influence over the feelings of the great mass of the people which is never exhibited except for the loss of a great public benefactor, whose services, too diffusive to be appropriated by any class of his fellow-citizens, are, at his death, acknowledged by *all*. With the single exception of the Father of his Country, no public man, at his death, has received so general and unequivocal a verdict of heartfelt gratitude from his countrymen, and with but trifling exceptions, the acrimony of party violence has been silenced, while men of all parties have paid their tribute of grateful sorrow over the grave of the patriot, hero, and statesman. I feel that I should be remiss to the public sentiment of the State, were I not to urge upon the General Assembly, as the organ of the wishes and feelings of the people, the propriety of taking

such notice of the death of this great man as is consistent with the veneration and regard which we so justly cherish, not merely for the general services which he has rendered the whole country, but for the hardships and dangers which he encountered in wresting the territory of our now flourishing State from the possession of a savage enemy. During his recent political career, while no State in the Union has been more devoted to the policy of his administration, the people of Alabama have rallied to his support with an enthusiasm and fidelity not more the result of political conviction than of popular gratitude. I, therefore, think we cannot acquit ourselves to our constituents without publicly entering and perpetuating on the *Legislative Archives* of the State, the deep sense the people of Alabama entertain for his services, and the sincere regret they have felt for his death.

The period is near at hand when my official relations to the State will cease to exist, and this is the last annual communication which I shall have the honor of making to the General Assembly. I have been twice elected by my fellow-citizens to the high and responsible trust of the Chief Executive office of the State. At the time when I entered upon the discharge of the duties of my office, the State Banks were a subject of deeply absorbing interest to the public mind. A proper disposition of our banking system, which had been, a short time previous, so engrained in the confidence of the people, together with the numerous duties which usually attach to the Executive office, I am frank to say, combined to render the station that had just been entrusted to me by the people, both perplexing and embarrassing. Time and subsequent events have satisfied me of the correctness of the leading measures which I have urged upon the Legislature for their adoption, in reference to our banking institutions. Its practical operations have so conclusively demonstrated the utter fallacy of the whole system, that I can but feel assured that the entire action of the General Assembly on this subject merits, at this day, the cordial approbation of a large majority of the people.

I am not so vain as to flatter myself that I have been entirely exempt from error in the discharge of my official duties; but I have the proud consolation to know that, although error may have been the result of my action in many instances, it has always been my intention and purpose to promote the interest of the State, and the happiness of my fellow-citizens.

In dissolving our official relations, I can, with pleasure, recur to the uniformly kind and friendly intercourse which has, at all times, existed between us; and I acknowledge, with feelings of lively sensibility, the many acts of courtesy and respect which I have received at all times from the members of the General Assembly. In that separation, therefore, which is soon to take place, permit me, here, to tender to each member, individually, my high regard; and, through you, to the people of the State, my grateful acknowledgements for the confidence which they have reposed in me.

That the spirit of peace and harmony may pervade your deliberations, and that these may be conducive to the interest of the State, and the happiness and prosperity of our common constituents, is my most ardent desire.

The message was laid on the table, and on motion of Mr. Rice, 5,000 copies were ordered to be printed.

This was an important session in many respects. Two engrossing subjects engaged the attention of the Legislature. The first was the ratification of the amendment to the Constitution which involved the removal of the Seat of Government from Tuscaloosa; the second was, the Banks and the currency, involving the public credit.

On the second day of the session, the Secretary of State, in pursuance of the law, laid before the House the returns made to his office, of the election on the two propositions, which, upon the motion of Mr. F. W. Bowdon, of Talladega, was referred to a select committee of nine.

On the 10th of December, under the direction of a Committee of Arrangements, Gov. Martin was inaugurated, and a few days thereafter, Ex-Gov. Fitzpatrick left the Seat of Government for his home in Autauga county.

#### REMOVAL.

Mr. Bowdon brought in his report from the select committee, on the votes cast upon the amendments to the Constitution, showing in the order of the counties the official vote in each, on the respective questions submitted to the people, to-wit: Biennial sessions, and to authorize the removal of the Seat of Government. It would be tedious and uninteresting, to carry the reader through the details of this measure, ending in the ratification of the amendments in each House by the requisite majority.

The following are the respective votes:

|                                    | <i>Yeas.</i> | <i>Nays.</i> |
|------------------------------------|--------------|--------------|
| Biennial Sessions.....             | 55,819       | 5,167        |
| Removal of Seat of Government..... | 33,798       | 27,320       |

Total number of votes cast for Representatives in the Legislature, 62,558.

Mr. Speaker Moore was called upon in the progress of this contest to make a decision for which he was much blamed at the time by those opposed to the ratification of the amendments. The facts may be briefly stated thus:

Two distinct propositions had been submitted to the people by the Legislature of 1844, on which a separate vote was taken. It required a majority of two-thirds of each branch of the General Assembly to ratify, so as to incorporate the amendments in the Constitution. The members opposed to removal believed that they had a right to vote for each measure separately, on its merits, and moved a substitute to the report of the select committee to secure that privilege, which, on the motion of Mr. Gayle, was laid on the table—yeas 48, nays 46.

From the Journal of the House, p. 186, the following extract is taken:

Mr. Inge called for a division of the question:

The subject matter before the House, contained a preamble setting forth the amendments submitted to the people last year in regard to Biennial Sessions, and the Removal of the Seat of Government, and concluded with the following resolution:

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, two-thirds of each House concurring, That the aforesaid amendment to the Constitution, proposed as aforesaid, and accepted by the people as aforesaid, be ratified; and that the same, from and after the passage of this resolution, be and form a part of the Constitution of the State of Alabama.*

Mr. Speaker decided that inasmuch as the enacting resolution contained but one proposition, it could not be divided.

Mr. Inge appealed from the decision of the Chair, and on the question, Shall the decision of the Chair be sustained? the vote stood thus: Yeas 52, nays 44.

The joint resolution was then ordered to a third reading, by a vote of 58 to 41.

On the final passage of the joint resolution, which required 67 votes in the affirmative, there were some defeats, much skirmishing, reconsideration of votes, motions to postpone, motions to adjourn, and a variety of incidental action which would occupy too much space to be noticed in detail here. It all ended, however, in the ultimate ratification of the amendment by two-thirds in both Houses, and on the 28th of January, 1846, the two Houses convened in the Representative Chamber to select a place as the future seat of Government, when sixteen ballots were had on the several nominations:

|                           | 1st ballot. | 5th ballot. | 10th ballot. | 16th ballot. |
|---------------------------|-------------|-------------|--------------|--------------|
| For Tuscaloosa . . . . .  | 39          | 38          | 41           | 39           |
| For Wetumpka . . . . .    | 28          | 33          | 33           | 9            |
| For Mobile . . . . .      | 6           | 8           | 7            | 3            |
| For Montgomery . . . . .  | 33          | 27          | 36           | 68           |
| For Statesville . . . . . | 2           |             |              |              |
| For Selma . . . . .       | 9           | 8           | 6            | 11           |
| For Marion . . . . .      | 4           | 4           | 5            |              |
| For Huntsville . . . . .  | 6           |             |              |              |

The Journal of the House says: "The city of *Montgomery* having received a majority of the whole number of votes given, Mr. Speaker declared said city of *Montgomery* duly and constitutionally elected the Seat of Government of the State of Alabama, according to law."

As the decision of Mr. Speaker Moore, previously referred to, was the topic of much conversation, it is only an act of justice to say, that the opinion of parliamentary men with whom I conversed, was, that the decision was correct.

MESSAGE OF GOV. MARTIN.

In the proper order of time, I omitted to state, that on the 16th of December, a communication from the Governor was transmitted to the Legislature by Mr. George Mason, his private Secretary, which document is given entire, as indicating the policy of his administration :

EXECUTIVE DEPARTMENT, }  
TUSKALOOSA, December 16, 1845. }

Gentlemen of the Senate and House of Representatives:  
In entering upon the discharge of my official duties, I feel called upon by recent events to communicate to you my views upon the various subjects connected with

the affairs of our State Bank and Branches; and with the indebtedness of the State—subjects which have for some time past occupied the attention of our constituents, and which have recently become so important in their view as to engross all others. To these subjects I shall confine myself in this communication.

From the reports of the several legislative committees whose duty it has been, from time to time, to inquire into the condition of our State Bank and Branches, it appears, that for the last seven years, these institutions have suffered one unbroken series of losses; resulting in the disastrous condition in which they were found at the last session of the General Assembly. The causes which have brought about these continuous and heavy losses, are readily discovered by a recurrence to the history of their management; the whole tenor of which proves, beyond doubt, that less regard has been had to the interests of the Banks than the convenience and accommodation of their debtors.

By the report made to the Legislature at the session of eighteen hundred and thirty-seven and eight, it is shown that the indebtedness of [to] the State Bank and Branches amounted at that time to more than twenty millions of dollars; of which but little more than one hundred thousand dollars were considered bad; and but little more than five hundred thousand dollars doubtful. The first act of the Legislature, changing the usual course of business in those Banks, was passed a short time before, at the called session in June, eighteen hundred and thirty-seven. This act extended the time of payment of the debts then due; dividing them into three annual installments; the first, of twenty-five per cent.; the other two of thirty-seven and a half per cent. each. And it authorized further loans, payable in like installments.

At the session of eighteen hundred and forty and forty-one, a report was made to the Legislature, by which it appears, that under the influence of the act referred to, commonly known as the relief or extension law of eighteen hundred and thirty-seven, the bad debt had increased to more than three and one half millions of dollars; while the doubtful debt had swelled to an amount exceeding one million and a half of dollars. And in this report is introduced a new item denominated "unknown debt," amounting then to more than one million and a quarter of dollars. Thus is shown a deterioration of the debts due to the Banks, by which losses have been incurred, to be estimated at not less than one million and a quarter of dollars annually, during the three years immediately preceding this report.

At the session of the Legislature of eighteen hundred and thirty-nine and forty, another act was passed, (approved the third of February, eighteen hundred and forty,) by which it was required that, "not more than twenty per cent." of the several debts due the Banks should be demanded, per annum. Under the operation of this act, connected with that above referred to, as shown by a report of a committee, at the last session of the General Assembly, the good debts were reduced to six million, nine hundred and ninety-three thousand, nine hundred and sixty-five dollars, and thirty-six cents—(\$6,993,965.36.) The doubtful debt to four hundred and eighty-four thousand, one hundred and thirty-two dollars and forty-six cents—(\$484,132.46.) While the bad debt had reached the enormous sum of six millions, two hundred and ninety-two thousand, five hundred and ninety-nine dollars and seventy cents—(6,292,599.70.) Each of the laws here referred to required that the President and Directors of the several Banks should demand further security, if by them deemed necessary, as a condition precedent to the extension. How far this provision was regarded, may be judged of by the results.

This cursory glance at the history of the legislation, and management of our Banks, must clearly show that the extension laws, and the manner of their execution, were the principal causes of the immense losses sustained by these institutions. A more minute examination would but fortify this conclusion. As however, it is important to know the causes of the evils, simply with a view to avoid them in future, I shall not pursue this inquiry further. We find our Banks at the last session of the Legislature in the situation mentioned. We have no reason to believe that they are in a better condition now. The mischief is done, and it is the part of wisdom to make the best that we can of our present condition. To do

this, we should adopt such measures as may promise to collect the largest amount of the entire indebtedness to the Banks with the least expense, and at the same time bring their affairs to the most speedy adjustment and conclusion, compatible with that important object.

At the session of eighteen hundred and forty-two and three of the General Assembly, acts were passed repealing the charters of the four Branch Banks, so far as to deprive them of banking powers, and putting them in liquidation. On the first day of January last, the charter of the State Bank expired by its own limitation. None of its banking powers have been renewed, but by an act of the last session of the General Assembly it was put in liquidation. By the same act, the officers of the State Bank and of each of the Branches were made to consist of a President and two Directors, a Cashier, and two clerks; and one additional clerk in the Branch at Mobile.

The impolicy of keeping up five banking establishments, with five Presidents, ten Directors, five Cashiers, eleven clerks, and other agents, attorneys and servants, engaged upon salaries and pay—with a variety of other sources of expense, which might be mentioned—swelling the actual expenditure of the State Bank and all its Branches to a sum not very far short of the expense of our State Government, is too obvious to require argument; looking alone to its disregard of a proper economy. When to this is added the utter inefficiency of the system for the attainment of the great object in view—collecting and securing the debts, and winding up the concerns of the Banks in the most speedy possible manner—a reform of the system becomes an imperious duty. Without a change, judging the future by the past, we have but little ground to hope that this complicated business will be brought to a beneficial and satisfactory close in any reasonable time.

With these views, and others which will suggest themselves to you, I respectfully recommend to your consideration the propriety of dispensing with all the officers of the State Bank, and of each of the Branches. And I recommend that provision be made for the appointment of one agent to remain at each of the Branches, with authority to receive payment from the debtors, giving proper receipts and acquittances, and to do such other ministerial acts as may be necessary and expedient for him to do in furthering collections, but with no other powers. I further recommend that provision be made for the appointment of three Commissioners, in the mode now prescribed for the appointment of Directors, with such salaries as will command the best qualifications for the purpose to be found anywhere in the State, who shall reside at the State Bank, and devote their entire time and attention to the important object of securing and collecting the whole Bank debt, with full power and authority to appoint all necessary attorneys, clerks and agents; to transfer the books and papers of the Branch Banks to the State Bank—except the evidences of debt running to maturity—to dispose of the real and personal property of the State Bank and Branches, and when necessary and proper, looking alone to the interest of the State, to compromise and compound debts that may at any time be considered doubtful or bad: thus concentrating the whole business at the State Bank. I further recommend that these Commissioners be empowered to pay the interest, as it may become due, upon the State debt, and to extinguish the debt as fast as they may be able, from their collections and funds, under such rules and regulations as you, in your wisdom, may prescribe, giving to them ample powers for all these purposes, at the same time securing the State against its abuse by proper restrictions and sureties. By this system it is obvious that after the payment of such salaries as are contemplated, and every other expense incident to it, a vast amount of the present annual expenditure would be saved. None, I think, can doubt its superior efficiency. With suitable Commissioners, I am induced to believe but few years would be required to bring the whole of the affairs of our Banks to a final close; at least to enable our citizens to understand what ought to be known to all, but what is now known to none, the true pecuniary condition of the State.

By an act passed at the last session of the General Assembly, the debtors of the State Bank and Branches were required to pay, by the first of June last, one-third part of their respective debts, with interest. And it was provided, that, upon a compliance with these terms, the remaining two-thirds should stand over until the

first of June next. It was generally understood that a further provision would be made at the present session, in favor of those who complied; extending one-half of the balance due for twelve months longer, upon the payment of the other half, by that day, with interest. The reports of committees touching this subject, clearly indicated this to be the policy which would be adopted. Under this expectation, it is believed, many of the Bank debtors complied with the requisition of the law, with some inconvenience and sacrifice. I respectfully recommend that this expectation be met by the enactment of a law for that purpose, with proper guards and provisions. The first day of June may not be the most suitable day for the required payment. It may be proper to appoint another day somewhat more distant. This, however, in my opinion, should be the limit. No other extension should be conceded; nor should this apply to any other debtors than the class here specially referred to.

It will be seen to be indispensable, as already intimated, that some steps be taken at your present session, to provide for the payment of the interest of the State debt as it may hereafter become due. The plighted faith of the State requires it. Having no other known available effects than the assets of our Banks, it will be necessary, in prescribing for collections, to keep this object steadily in view. You will have before you the means of ascertaining the amount collected, under the late act on this subject, and the consequent reduction of the circulation of the State Bank and Branches. You will also be able, from the documents before you, to form an estimate of the amount of circulation yet remaining out. A very large portion of the interest to be provided for being that which accrues on our foreign debt of \$9,215,255.55, amounting annually to the sum of \$471,907.80, is payable in New York, New Orleans, and in England, in par funds. The necessity of requiring collections to an amount which, together with the taxes, will absorb the circulation of the State Bank and Branches, and furnish an additional sum in sound funds, sufficient to pay the interest thus to become payable, must be clear to all. For it will hardly be contended that the notes of those Banks, after being returned to the State, either in payment of taxes, or in payment of debts due the Banks, can legitimately be put again in circulation; the powers of the Banks which issued them for this purpose having terminated. If, however, there be any who suppose it can be done with the sanction of law, the destructive policy of throwing our Bank notes into the market by the State, to be sold for such funds as will, from time to time, be demanded of us, would utterly forbid it. Instead of relieving the country of the depreciated currency—one of the great purposes of winding up the Banks—such a policy would not only keep up the supply, but increase its depreciation. The losses to the State would be enormous. The fact being known, through the country, as it certainly would be, that the State relies upon the sale of the State Bank notes as the means of raising money to pay the interest accruing from time to time, we would find ourselves in the hands of brokers and shavers, compelled to submit to such terms as their cupidity might dictate. Very few rounds of the circle—receiving our notes at par, and selling them at such a discount as would be demanded—would result in the exhaustion of the remaining assets of our Banks, to pay the interest only, leaving the principal debt, in all its magnitude, bearing heavily upon us, swelling with still further interest. This suicidal policy, I trust, will not be adopted, even as a temporary measure. It involves the same principles which have too long prevailed in the management of our Banks, favoring the Bank debtors at the expense of the taxpayers of the State.

It is believed that the amount, now in suit against those who refused to accept the provisions of the act of the last session of the General Assembly, in regard to Bank debts, added to one-half of the debt extended in virtue of that act, and the sum to be raised, will relieve the pressing necessities of the State. The propriety and importance of prosecuting these suits, and enforcing collections, when all the circumstances are properly considered, must be obvious. The reasonableness of the terms proposed by the act is perceived, when we remember that most of these debts were contracted more than seven years ago, for money lent; and for which indulgence had been given from time to time, to that period. By that act, they were required to pay one-third only, of the amount due; a sum

which was imperatively demanded by the necessities of the State, to meet her own liabilities. Punctuality on the part of our debtors, in meeting all reasonable demands upon them, is now all-important to the State; for upon this may depend the preservation of our faith and credit. If these debtors are put upon an equal footing with those who paid as required, the precedent will encourage a disregard of our demands; and punctuality will cease to be a virtue. A controlling reason is found in the consideration, that less than the proposed collection will not place beyond contingency, our ability to meet the demands of the State. And we are bound in justice to the great body of our constituents, who are without fault, and who have received no benefit from the Banks, to save the honor of the State from peril; even if it requires some sacrifice by those who have been so long in the enjoyment of Bank accommodations.

The time has arrived when we should cease to dally with this subject; when, by a firm adherence to the enactments of the Legislature, and a faithful execution of them, it should be made manifest that they are intended to effect the object indicated by their provisions. Bank debtors should understand that the laws are intended to operate equally upon all; not to spend their force upon one portion, who regard them; then to be changed and modified to suit the convenience of other portions, who treat them with neglect.

There is an obvious propriety in extending to agents entrusted with the duty of making collections, every aid in our power, to facilitate their efforts. And while no one can be less inclined to do unnecessary injury, either in feeling or interest, to our debtors, than I am, I can not doubt, that in ascertaining the course proper to be pursued, it is our duty to consult the interest of the State, untrammelled by any unreasonable apprehension as to the effect which it may have upon them. The aid of our citizens should be invoked. They are directly interested in this great subject, being responsible for any deficiency, in the form of taxes to discharge our State liability. With this view, I submit to your consideration the propriety of publishing in such form and manner as may cause it to reach our citizens generally, a list of the names of the bad, doubtful and unknown debtors; with the amount due from them respectively. The people of the State have the right, at any rate, like all other creditors, to know who their debtors are. And I entertain no doubt that our collecting agents would acquire much assistance from information, which this means would cause to be communicated. Those debtors could have no cause to complain. They are in default. They have no right to withhold from the State any of their effects. And if any are withheld, every means should be essayed to discover and apply them.

In connection with this subject, I submit to your consideration the propriety of causing a rigid scrutiny in the conduct of the officers, attorneys and agents, under whose management the astounding losses to our Banks have accrued, holding them to strict accountability. Such an inquiry seems to be called for, as well for the purpose of enforcing justice from delinquents, as to relieve those who have been faithful from unmerited imputation. For our constituents justly consider it difficult to perceive how the affairs of our Banks have been brought to their present condition, without great and culpable mismanagement in their officers, attorneys, and agents. When these things shall have been done; when all shall have been collected that can be collected; when the burden shall have been made as light as it can be made; our patriotic citizens will not shrink from it. Though it be heavy and bear hard upon them, they will not falter under it. They will pay whatever may be necessary to sustain the plighted faith and honor of the State. They will march forward with their treasure, as heretofore they have done, not only with that, but with their blood also, to preserve untarnished our fair escutcheon. On our course now, theirs may depend hereafter. I hope, therefore, I may not be considered too importunate, when, in the name of everything dear to us, I commend this subject to your most deliberate consideration.

J. L. MARTIN.

The message was laid on the table, and 5,000 copies ordered to be printed.

The result of the legislation in regard to the Banks, was the

passage of a bill, entitled, "An act to settle the affairs of the Banks, and to apply the assets to the payment of the State bonds." This law constituted Francis S. Lyon, of Demopolis; Benjamin Fitzpatrick, of Autauga, and William Cooper, of Florence, Commissioners to take charge of the assets of the Banks for the purpose indicated in the title. Gov. Fitzpatrick declined serving, and Gov. Martin appointed Gov. Clay in his place, who accepted, and these three gentlemen had the assets in hand two years, until the meeting of the Legislature, in December, 1847.

#### JUDICIAL ELECTION.

Several elections occurred this session worthy of note. That for Judge of the Third Circuit was a contest which, for stubbornness and the number of ballots, has never had a parallel in the State. The candidates were Lincoln Clark, George D. Shortridge, Ptolemy T. Harris, John W. Womack, and Thomas A. Walker, Esquires. The following are the ballots:

| <i>Ballots.</i>     | <i>Clark.</i> | <i>Shortridge.</i> | <i>Harris.</i> | <i>Womack.</i> | <i>Walker.</i> |
|---------------------|---------------|--------------------|----------------|----------------|----------------|
| First.....          | 17            | 29                 | 38             | 19             | 23             |
| Second.....         | 17            | 25                 | 39             | 22             | 24             |
| Third.....          | 16            | 28                 | 37             | 23             | 23             |
| Fourth.....         | 12            | 29                 | 39             | 23             | 25             |
| Fifth.....          | 11            | 32                 | 37             | 21             | 23             |
| Sixth.....          | 8             | 34                 | 37             | 21             | 24             |
| Seventh.....        | 8             | 34                 | 37             | 24             | 22             |
| Eighth.....         | 8             | 34                 | 40             | 22             | 23             |
| Ninth.....          | 8             | 34                 | 35             | 22             | 27             |
| Tenth.....          | 17            | 28                 | 35             | 19             | 25             |
| Eleventh.....       | 14            | 32                 | 37             | 21             | 22             |
| Twelfth.....        | 11            | 34                 | 38             | 20             | 24             |
| Thirteenth.....     | 12            | 30                 | 37             | 21             | 24             |
| Fourteenth.....     | 7             | 31                 | 36             | 19             | 27             |
| Fifteenth.....      | 6             | 35                 | 41             | 23             | 23             |
| Sixteenth.....      | 5             | 32                 | 42             | 20             | 25             |
| Seventeenth.....    | 6             | 32                 | 42             | 17             | 26             |
| Eighteenth.....     | 5             | 35                 | 40             | 15             | 26             |
| Nineteenth.....     | 7             | 41                 | 49             | *              | 30             |
| Twentieth.....      | 6             | 42                 | 49             |                | 27             |
| Twenty-first.....   | 4             | 44                 | 50             |                | 24             |
| Twenty-second.....  | 5             | 44                 | 49             |                | 26             |
| Twenty-third.....   | 7             | 47                 | 53             |                | 18             |
| Twenty-fourth.....  | 10            | 59                 | 55             |                | *              |
| Twenty-fifth.....   | 6             | 63                 | 56             |                |                |
| Twenty-sixth.....   | 5             | 62                 | 57             |                |                |
| Twenty-seventh..... | *             | 65                 | 57             |                |                |

\* Withdrawn,

After the tenth ballot, the Convention of the two Houses adjourned until the next day, when the ballots were continued, resulting in the election of Mr. Shortridge.

LINCOLN CLARK was a Northern man by birth and education. After his removal to Alabama, he resided a number of years in Pickens county, as a practicing lawyer, and for one or two sessions represented that county in the House. He then removed to Tuscaloosa, and was for many years associated with E. Wolsey Peck, Esq., under the firm of Peck & Clark, who had an extensive practice at home and in the neighboring counties.

In 1845, Mr. Clark was elected to the House from Tuscaloosa county; but a vacancy occurring on the Circuit bench, by the death of Judge Baylor, he reluctantly consented at the request of his friends, to accept the appointment tendered him by Gov. Fitzpatrick, and therefore resigned his seat in the Legislature. He held the courts of the Circuit for the Fall riding, but his election was defeated in the Legislature at the ensuing session, and thus he lost the double honor. Judge Clark had no address, no management, to cope with adroit men in the hunt for office. His manners were not popular, and had some degree of sternness, more repulsive than otherwise upon first view. It required a close acquaintance with him to understand and appreciate correctly his true qualities.

While a candidate for Judge, he was charged with having sympathized in the opposition to Col. Terry for Governor, which gave offense to many Democrats in the Legislature, who, for this reason alone, voted against him. His strength with the party was tried at a Nominating Convention for Congress, in the Tuscaloosa District, in 1847, in which he received quite a flattering support, but his friends failed to obtain the nomination for him. In 1848, he removed to Iowa, and settled at Dubuque, where his relations were at once established with the Democratic party. In 1852, he was an Elector on the Democratic ticket, and voted for Pierce and King. In 1853, he was elected to Congress from that State; but was afterward defeated upon the new political questions, which ultimately destroyed the supremacy of the Democratic party in the North-West.

Personally, Mr. Clark was a good man, and for many years was an elder in the Presbyterian Church at Tuscaloosa. Some unfair prejudices, though of limited extent, were indulged against him on account of his nativity; but he had taken his lot in the South, and there was no just cause for suspicion or distrust. He faithfully discharged all duties which devolved upon him in social or professional life.

Soon after the death of Gen. Andrew Jackson, in June, 1845, Mr. Clark was selected by the citizens and societies of Tuska-loosa to deliver a eulogy on that illustrious citizen. The task was well performed, as may be seen by the pamphlet of forty pages, published at the request of those who heard it.

The eulogy closes in the following manner:

Illustrious man! thy course is finished but to be begun! It is true, but few can wear the descending mantle, but all may drink at the fountains of truth, which thou hast defended, and guide their way by the lights which thou hast hung out! And here we pause, for who can trace the Spirit's way, in its chariot of fire, though the radiance of ten thousand luminaries be scattered upon its track in its upward progress—who can stretch away in the strongest powers of his inner being, to behold the opening portal, or hear the voice of the illimitable harvest of ransomed minds, as like the voice of many waters it goes up in long, and loud, and sweet ascriptions of adoration to *Him* who redeemed them by his life?

Though this may be too much for our grosser powers, and our unsublimated natures here, we can bring our service of thanksgiving, devotion and faith, as we now do, and lay it upon the altar of our country and our God.

HON. PTOLEMY T. HARRIS was a native of Georgia, and brother of Hon. Stephen W. Harris, who was a Judge of the Superior Court of that State from 1813 to 1816; and also a brother of the Hon. Thomas W. Harris, who was Judge of the Superior Court from 1819 to 1824, and from 1837 to 1841.

Judge P. T. Harris settled in Alabama at an early period. He was on the bench of the First Circuit, in 1832, where he continued until 1841, when he resigned, and went into the commission and factorage business in Mobile, in the result of which he was disappointed, and now sought, at the session of 1845, to resume his official position. He had been a strong man in such contests in his day, as manifested from the constant vote he received through the many ballots, a statement of which has been given for the Third Circuit; but he committed the mistake of *letting go*. His path in this direction was hitherto unmolested; but he now found it contested by younger men, who had grown up while he was on the bench, and were now asserting the rights of "Young America." However, he made a manly fight, as the figures show. He possessed strong points of character, was a gentleman of large, tall, commanding person, was a Whig, and in other days, had his full share of influence. He afterward removed to Louisiana, where many years ago he died.

During the session of 1845, the election of Chancellor for the Northern Division also took place. Three gentlemen were placed in nomination, with the following result:

|                      |           |
|----------------------|-----------|
| Alexander Bowie..... | 36 votes. |
| David G. Ligon.....  | 65 votes. |
| Thomas Woodward..... | 25 votes. |

Mr. Ligon having a majority of the whole number of votes cast, was declared duly elected Chancellor.

HON. A. BOWIE, of Talladega, had presided on the Chancery bench for six years, and now retired from public life, except in his connection with the State University as one of its Trustees. He was raised, educated, and spent the earlier part of his active professional life in South Carolina, and was a good representative of the cultivated gentleman of his day, and of his native State. His legal learning was profound, and his integrity and probity of character above question. Few gentlemen that I have known in the State excelled Judge Bowie in conversational powers, and in the use of pure, chaste language. He was a consistent member of the Baptist Church, and maintained the bearing of a Christian gentleman. In politics, he was allied with the State Rights party of South Carolina. His useful and honorable life terminated a few years ago, at a ripe old age.

THOMAS WOODWARD was from South Carolina, in which State he was educated, and extensively figured in social and public life, before removing to Alabama. He was a gentleman of good legal and literary culture, and had adopted the extreme notions of the political majority in his native State, which found a practical solution in 1861, and is realizing it now, in common with all the Southern States. He was a good writer, and contributed many articles to the press, advocating his favorite notions of government. A series of these appeared in one of the Montgomery papers about the year of 1848 or 1850, over the signature of "Pyon," which attracted a good deal of attention. He held many opinions about government which were not popular with the masses of his day, which, however, he seldom made public, but communicated in private intercourse with his friends. In his social relations he was pleasant, and dignified in his deportment. Mr. Woodward removed West several years ago.

DAVID G. LIGON, now for the first time elected to the bench, was from North-Alabama—originally, if I mistake not, from Virginia. He was a Whig, influential with that party; and then he possessed a fine, well-formed and well-developed person, with an address and colloquial powers that gave him position and strength with the masses. He had once or twice been a candidate for Congress, and then his social habits had well-nigh ruined him; but he saw the danger in time to stop short. He embraced the faith of the Christian or Campbellite Church, of which he became an elder and proclaimer of the gospel.

In 1851, Chancellor Ligon was elected an Associate Justice of

the Supreme Court, to succeed Judge Silas Parsons, who had resigned. Upon a reorganization of the Court in 1853, he declined a reelection, and in a few years thereafter he died. He sustained himself pretty well as a Chancellor, but it was doubted by many whether his legal learning and early training had been equal to the task and responsibilities of a Supreme Court Judge. Be this as it may, his declension of a continuance upon the bench, after a trial of two years, was generally appreciated as an act of good taste. But Judge Ligon, in the legal and social arena, filled a large space, and his colloquial powers were second to those of no gentleman in the State in his day.

#### DEATH OF GEN. JACKSON.

That portion of Gov. Fitzpatrick's message which related to the death of the renowned character at the Hermitage, has been given in preceding pages, which was referred to a select committee, who, on the 24th of December, made a report, commemorative of his great public services, both on the field of battle, and as President of the United States, with appropriate resolutions, which were unanimously adopted.

In relation to Gen. Jackson, the writer ventures to notice here a visit, which, in September, 1842, he had the pleasure of making to the Hermitage, to gratify a long cherished wish to see and converse with this great man and patriot. Being on a visit to his parents, in Nashville, and provided with letters from Gov. Clay, Col. King, and the Rev. W. A. Scott, of Tuscaloosa, (the same clergyman who received Gen. Jackson into the communion of the Presbyterian Church,) to which Gen. Robert Armstrong, of Nashville, the bosom friend of the General, and a friend of the writer, who records this reference to him with great pleasure, added a special letter of introduction. The company left the city after breakfast, and after a pleasant ride of a dozen miles on the turnpike, arrived in good time at the Hermitage, where they were received with the cordiality and respect usually extended to visitors.

The letters were presented and read—first, from Gov. Clay, then Col. King's letter. The North-east Boundary question, which had produced a great deal of excitement, had just been settled, by the ratification of the *Ashburton-Webster Treaty*. Col. King was Senator, and voted for it. Gen. Jackson was opposed to the Treaty, and when he opened his letter, he paused a moment after seeing who it was from, and made this characteristic remark, "I am sorry Billy King voted for the ratification of the *Ashburton Treaty*," after which he completed the reading, and folded the letter. Then came the letter, or rather the letters, from Mr. Scott; one of introduction and another epistolary and social, which inter-

ested him a good deal. Last, was the letter of Gen. Armstrong, with his mail, which was carried out by me.

This last letter was the finishing touch, and showed its influence upon Gen. Jackson. Formality was at once dispensed with, and we felt assured, by his language and manner, of his pleasure in seeing us, and his disposition, so far as his health would allow, to entertain us.

The fact was, the writer and Gen. Armstrong had a conversation the day before, in which he notified the General of his desire to be placed upon easy and communicative terms with Gen. Jackson, with a view to the pleasure and profit of the visit. The writer happened to be the bearer of several presents to Gen. Jackson, from Mr. Scott, of select religious books, besides other little notions, among them, a pair of gloves, of fine linen thread, knit so as to show in the palm of each the representation of a hickory leaf. The old man appeared to understand its signification. His adopted daughter, Mrs. Andrew Jackson, Jr., a lady of accomplishments, who dispensed the honors of the White House during Gen. Jackson's Presidential term, was pleased with the gloves, and remarked: "Father, these will do for you to wear at Rachel's wedding," alluding to her daughter, a pretty and sprightly little Miss who bore the name of Gen. Jackson's wife. He replied, "I reckon, my child, I shall be laid away before that day."

After partaking of the hospitalities of the Hermitage, and enjoying a few hours of pleasant and profitable conversation with the venerable ex-President and his family, the company returned to Nashville, greatly delighted by the visit.

#### REPORTS OF COMMITTEES.

The Committees in charge of various matters of public concern, made lengthy and able reports, which are upon the Journals of the two Houses, but too long for a place here. Among these may be mentioned that of Mr. Clay, from the State Bank and Branches; Mr. Norman, Education; Mr. Hubbard, Federal Relations; Mr. Watts, 16th Sections; and Mr. Woodward, Public Printing, in the House.

In the Senate, Mr. Shorter, from 16th Sections; Mr. Harris, from Penitentiary; Mr. Norris, Public Printing; Mr. Posey, from 16th Sections; and Mr. McClung from the Judiciary; all of which received attention, and were freely discussed. The session was a long, laborious one, and the two houses adjourned 5th February, having been in session sixty-seven days. There were no *recesses* in those days. The two Houses generally took holiday on Christmas day; but no other. They went forward with earnestness in dispatching the public business.

The session of 1845 was the last held at Tuscaloosa. For about twenty years the members of the Legislature met here annually, on which occasion the Capitol of the State was favored with the presence of a large number of visitors. Henceforth, the members and the visitors, with the Executive and department officers, were all to congregate at Montgomery, the place selected for the new Capitol.

#### NEW SENATORS.

Having bestowed as much notice on the proceedings of the Legislature as the limits of the work would allow, I deem it necessary to pay my respects to several gentlemen who took their seats in the Senate for the first time :

JACK F. COCKE, of Perry, defeated Col. Walthall, and his subsequent long career in the Senate showed that his predecessor had to contend with no ordinary strength, or evanescent popularity; for Mr. Cocke continued, without cessation, the Senator from Perry for *sixteen years*; through all the ups and downs of party he remained in his seat. In his Senatorial character, he outlived every Senator who occupied a seat with him at this session, and when, in 1861, he left the halls of legislation, he was the last of class of 1845.

He was quiet, and very attentive to the public business, seldom spoke, and never made a set speech. He was a Whig who seldom varied in his votes upon political topics, and yet at home he received at every election more or less Democratic support. His silence and kindness constituted a good deal of his stock in trade. It was for years a wonder to many that the Whigs of his District had not run him for Congress. He did try the experiment, I believe, as candidate on his own bottom, under the Confederate Government; but that was after the old parties were pretty well exploded, and he was beaten by Mr. F. S. Lyon. Mr. Cocke was a man of good heart, had many friends, and but few enemies.

JEFFERSON FALKNER, of Randolph, served this session in the Senate from that county and Tallapoosa. He was an early settler in Randolph, where he was Clerk, and Judge of the County Court. He has been for many years a respectable lay-minister of the Baptist Church, and has dispensed ministerial services extensively in East-Alabama. In 1851, he was a candidate for Congress in the Talladega District, and, after a partial canvass, was ruled off to make way for Mr. S. F. Rice, by which Mr. Alexander White was elected.

During the War between the States, although he was exempt from service, as well by age as his profession as a minister, Judge

Falkner entered warmly into the struggle, and raised a company of cavalry, with which he was sometime connected. He has several times been brought forward by his friends for Chancellor and Judge, and generally made a fair run, but never won the prize. He was an active member of the Senate, and often participated in the debates of that body—indeed, a good many of his friends thought he occupied the floor too frequently for a new and inexperienced Senator. He was fully allied to the Democratic party.

JAMES G. L. HUEY, of Talladega, served this session only, and never was again, I believe, a candidate for legislative honors. He was afterward elected Major-General of the Eighth Division of Alabama Militia.

Gen. Huey brought into the Senate fine business qualities, a bold and manly decision of character, and weight of personal influence which at once gave him position in legislative and social circles. He may be truly set down as one of the useful men of the session. He was a South Carolinian by birth and education, but came to Alabama and settled in Talladega county, where, by dint of industry and frugality, and a straight-forward attention to business, he had amassed a good property at the commencement of the war, and was Secretary of the Talladega Insurance Company, which, under his management, gained the public confidence. His personal character was decided, while at the same time he was amiable and kind in his disposition. He is a prominent member of the Methodist Episcopal Church, South. Nature bestowed on him many advantages in his appearance—a large and commanding figure, and a face expressive of a resolute will. He resides now in Perry county, in the vigor and health of a temperate life, no doubt exercising that salutary influence in the Church and in the community, for which he was distinguished in Talladega county.

JOHN GILL SHORTER, of Barbour, was returned to the Senate this year, and contributed no little, by his attention and knowledge, to the dispatch of business. His minority reports from committee show clearly the independence and individuality of his opinions of public policy upon the subjects considered, and readiness to follow his convictions, though it separate him from his fellow-members. This was Mr. Shorter's first connection with the Legislature, when quite a young man. We shall see him again in the progress of this work, and notice him more fully from an advanced position.

SOLOMON C. SMITH, of DeKalb, was first a member of the House in 1837, the first time that county had a Representative, and was again elected in 1838. In 1839, he was returned to the

Senate from Cherokee and DeKalb. He was a decided Democrat, and voted, in 1840, for the General Ticket bill, which caused his defeat by Judge Foster in 1841. In 1844, he had recovered his position in the Senate, and was reelected in 1845. In the Fall of 1846 he died.

Mr. Smith was a sharp, intelligent, managing man. He possessed the faculty of concealing his plans and purposes from others, and by that means, with fair resources naturally, he accomplished a good deal. He was at all times attentive to the interests of his constituents, and contributed no little, by his legislative course, to the early settlement of that newly acquired section. His plans were so well laid that he generally succeeded in business. His habits were good, and altogether he was a man of fair character. He was a member of the Methodist Episcopal Church, South.

BELoved L. TURNER was elected in 1845, as the successor of G. W. Creagh, from the District composed of Washington and Clarke counties. He had been several years in the House, and with occasional intermissions, was in public life for near twenty years.

Mr. Turner was quiet and unpretending, but watchful and vigilant, and generally knew as well how he was voting as any of his peers. His person was well set, with black eyes and dark complexion, and physically he was every inch a man. But I saw him light with his match once. At the burning of the Capitol, he was a member, and no man took a more active part in saving the public property. Everything of a light value was taken out of the Secretary of State's office but the old State seal, with its heavy fixtures of arms, and large lead balls—the whole weighing nearly five hundred pounds. Mr. Turner asked me if I wanted that taken out, and being answered affirmatively, he called a negro to assist, and told him to get under one of the arms, while he got under the other. The negro was the tallest, and the two straightened with the load upon their shoulders, and started for the door. I saw at once the advantage the negro had over Mr. Turner in height, but he told the negro to go ahead, and they cleared the door with the State seal. But the muscular strength of one man was well tested that day, to a degree seldom taxed, if one was to judge from the twisting and writhing of the man. While I remained in the office of Secretary of State, I never knew Mr. Turner come into it afterward without stopping just outside the door, and taking a good look at the old seal and its heavy fixtures, in deep thought, in which recollection appeared to be busy; and once or twice he remarked, half-way to himself, "That is the heaviest load I ever attempted to carry." He is a Democrat under the old party organization, true as steel.

## CHAPTER XXV.

*Session of 1845 Continued—Sketches of the House.*

THOMAS K. BECK, of Wilcox, concluded a service of two years in the House. He was a gentleman of respectable general intelligence, and a planter. He was a Democrat, and occupied a good position with the party. In the House, he was an efficient working member, but seldom shared in discussion on the floor, though he possessed the gift of speech in a high degree upon the stump, where, it is said, he often addressed the people with considerable effect. He was a nephew of the Hon. William R. King. Mr. Beck showed signs of decline in his health before he retired from the Legislature, but lived some years thereafter.

BENAJAH S. BIBB, of Montgomery, was born in Elbert county, Georgia, in the year 1796, and in 1819 he married Miss Sophia Gilmer, a sister of Gov. Gilmer. In January, 1822, he removed to Alabama, and settled as a planter in Montgomery county.

His public employments began in 1825, when he was elected by the Legislature Judge of the County and Orphan's Court of Montgomery county, which office he resigned in 1827, when he removed to Morgan county, and, in 1828, was elected a Representative in the Legislature from that county. In the Fall of 1829, he returned to Montgomery, and, in 1832, was elected Judge of the County Court. In 1833, he was returned to the Senate, and, in 1834, he was again elected County Judge, in which office he served until 1844, making twelve successive years.

The citizens of Montgomery county desiring to change the Seat of Government from Tuskaloosa to the city of Montgomery, by common consent elected Judge Bibb to the House, in 1845, that his influence might be exerted in support of that measure. The success that attended the movement may be seen in another chapter of this work. In 1847, he again represented the county in the Legislature, which then held its first session in the new Capitol at Montgomery. In 1851, he was a candidate, openly avowed in favor of the Compromise Measures of Congress of the previous year, and was elected to the Senate by a large majority.

Judge Bibb was an old-line Whig, supporting Gen. Harrison in 1840, and Mr. Clay in 1844, for the Presidency, and Bell and Everett, the Union candidates for President and Vice-President

in 1860. He was opposed to secession; but, after the passage of the Ordinance in 1861, he went with the State heartily in support of the war.

In 1864, he was elected Judge of the Criminal Court for the city and county of Montgomery, which he regarded as the greatest compliment of his life, over two highly respectable competitors. He has never been defeated in any election before the people of the county.

In 1865, Judge Bibb was deposed from the Judgeship of the Criminal Court, by Gov. Smith, and many others were also deposed who had taken an active part in support of the South during the war. He was and is opposed to the Reconstruction acts of Congress, and to Radicalism in general; and no one rejoiced more at what he considered the triumph of virtue and intelligence at the November elections, of 1870, in Alabama, over ignorance and folly.

From 1825 to 1865, a period of forty years, Judge Bibb has been in public life, with very slight intermission. It is a proud record—and intelligence, patriotism and fidelity combined in his character to justify the confidence reposed in him. His brother, the Hon. William Wyatt Bibb, was a Senator in Congress from Georgia in 1813, in place of Hon. William H. Crawford, who had been appointed Minister to France by President Madison. Afterward, Senator Bibb removed to the Alabama Territory, and was elected the first Governor of the State in 1819. He died in office in 1821, and his brother Thomas Bibb, of Limestone, then President of the Senate, succeeded him in discharging the functions of the Executive office—perhaps the only instance known where two brothers stood in this relation to the people.

The Bibb and Gilmer connections probably represent a greater amount of wealth and solid substance than any other in the State. The personal influence of Judge Bibb, founded on his virtues and on his elevated worth in all the relations of life, public and private, is not surpassed by that of any man in the community. He is a leading and pious member of the Methodist Protestant Church in Montgomery where he resides, at a venerable age, universally honored and beloved.

WILLIAM P. BROWNE, of Mobile, was returned in 1845, his only session, and was a well-informed and useful member of the House. A young bachelor, he that winter made the acquaintance of a young lady of Shelby county, whom he soon married, and then became a citizen of that county. He engaged extensively in the Iron and Coal business, and no doubt overtasked his physical and mental faculties in the eager pursuit of his enterprise, as his health and strength gave way under the pressure. I met with

him in 1866 on the Selma and Dalton Railroad, and could scarcely realize the change that had come over his physical condition; but he retained the elasticity of mind of former years, so far as his failing strength would allow. He died a year or two thereafter. Mr. Browne was a Democrat, and a man of strong will and resolution in following his convictions of duty and interest.

AARON B. COOPER, of Monroe, was by birth a Northern man, and probably from the State of New Jersey. He was an early settler in Alabama, and had served many sessions in the Legislature previous to 1845. As a lawyer he had an established reputation for learning and ability, and for a number of years was the partner of Gen. Enoch Parsons, who was the candidate in 1835 of the Whig party in opposition to Gov. Clay, for the State Executive. Ready in debate, calm, logical, and with ripe scholarship to adorn his arguments, Mr. Cooper justly ranked with the foremost members of the House. He well understood first principles, and could detect at a glance the bearing of any measure, in its application to the affairs of men. His delivery was pleasant, and his matter solid and instructive. He never dealt in puerile or commonplace observations, as his mind was sufficiently original and his stores of information so extensive, that he always had a fund of his own upon which to draw fresh and beautiful thoughts. As a legislator, his capacity was of a high order, and nothing escaped his attention in the proceedings of the House. Even the unguarded phraseology of a bill or resolution received the *courtesies* of his pruning knife.

Being a widower, Mr. Cooper, after the session of 1845, married Mrs. Creagh, of Wilcox, the widow of Judge John G. Creagh, and changed his residence to that county. In 1847, he was re-elected to the House and was made chairman of the Judiciary Committee, a place for which he was well qualified. In 1865, he was a delegate to the Convention called to reorganize the State, after the war, and to form a Constitution. Soon thereafter he was elected to the Senate from Wilcox and Dallas. I had the pleasure of serving with him in that body through two long, laborious sessions, and served on committee with him. There I learned to appreciate his intelligence and familiarity with the business of legislation, and especially the uprightness of his character. Although considerably advanced in years, Mr. Cooper retains the vigor of his intellect. Taken altogether, in the different relations of life, as a jurist, advocate, legislator, and member of society, but few men have acted their part with equal efficiency and success. He is a member of the Presbyterian Church.

ISHAM W. GARROTT, of Perry, was elected to the House, in 1845, on a divided ticket with A. B. Moore, a political antagonist. He was from North Carolina, where he was educated in the law, and, a few years previous to his election, had settled in Marion, to pursue his profession. A gentleman of his mental endowments and spirited character could not be long in a community without being noticed. He was a Whig, and was ready at all times to give a reason for his political faith. He was fiery in his temperament, and bold and fearless in his political assaults. Few men in the Legislature carried more of mercury and bile in their organization, especially in discussing party measures.

Mr. Garrott was again in the Legislature in 1847, where he continued to exert the same intellectual superiority, and to indulge his nervous and excitable propensities. When addressing himself to a political adversary, he was somewhat overbearing in his manner; but it was the result of temperament, and not malice.

In the political movements of 1860, Mr. Garrott took a very active part, and was on the Breckinridge Electoral Ticket. After the war commenced, he entered the service, and, I believe, commanded a regiment, when he was killed, in one of the battles near Vicksburg. Had he survived the war, his life no doubt would have been a burden to him, in view of the oppression, disfranchisement, and indignities visited upon the Southern people, by the revengeful conquering party, and his death was, therefore, a blessing rather than a misfortune, so far as he was personally concerned. The same remark may be as truly applied to thousands of brave Southern heroes and patriots who perished in battle, in the attempt to defend their country from fanatical aggression and insult. Their memories will ever be dear to all Southern hearts.

GEORGE W. GAYLE, of Dallas, had served previously as a member of the House, and in 1845 was elected by the people, mainly with the view of having his influence in the Legislature on the removal question, as Selma put forth claims for the new Seat of Government. That he failed in this enterprise was owing to no lack of zeal or effort on his part to accomplish the object. Mr. Gayle was well qualified, by his urbanity in approaching men, and in advocating any particular measure, to fulfill any mission or trust confided to him in the Legislature.

At this session, he aspired to the Speakership, without success, and was made Chairman of the Committee on Ways and Means, a position of more responsibility than any other in the House. His reports were ably prepared, and well supported on the floor. A skillful lawyer, well acquainted with the forms of proceeding, he was at all times a prominent man in any deliberative body in which he took part, whether in the Legislature or in political con-

ventions. In fact, he was very sagacious, and self-reliant, so much so that he generally brought forward any measure, and advanced any opinion that suited him, without consultation with others. In this respect he was sometimes prudent, and sometimes rash. Of the latter disposition, a noted example may suffice. While the war was raging, and the Southern people were straining every nerve to support the cause, Mr. Gayle, believing that President Lincoln was the author of all this mischief and suffering, offered a reward of one million dollars in Confederate money to any person who would destroy the *monster*, as he considered him, and thus put an end to the frightful atrocities committed through his influence. It was a mere fancy, intended to convey his opinion of the man, without the least idea or expectation that any person would attempt to execute such a daring and hazardous deed. Several years thereafter, Mr. Lincoln was assassinated by a *Northern tragedian*, who acted the part of Brutus at Ford's Theatre in Washington, from his own impulses, without ever having seen or heard of the published offer of Mr. Gayle. But in the course of time, after the Southern people were subjugated, and placed at the mercy of District Commanders, with bayonet in hand to punish *disloyalty*, Mr. Gayle was arrested on the charge of conspiracy to assassinate the President. The proceeding against him was simply ridiculous, and after some military bluster, and talk of a Court-Martial, he was discharged without a trial.

In early life, Mr. Gayle married Miss Kornegay, a niece of Hon. William R. King, and thus added to his influence and prospects by the strong family connection. President Jackson appointed him United States Attorney for the Southern District of Alabama. His brother, Billups Gayle, Esq., was for a long time Cashier of the Branch Bank at Mobile, and gave him the benefit of his patronage.

After serving through the session of 1845, Mr. Gayle retired from public life; but has since frequently been in Conventions of the Democratic party, generally as a leader in settling platforms, and in engineering a particular policy through the necessary forms of indorsement. He is a gentleman of kind heart, and warmly social with his friends. He resides at Selma, the "Bluff City," and probably unites the two characters of lawyer and planter with fair success.

DR. JAMES GUILD, of Tuskaloosa, came to Alabama from Tennessee, and was a brother of Judge Joseph C. Guild, of Lawrence county in that State, a leading member of the bar, and a Democrat. In their political opinions, the two brothers coincided.

Dr. Guild had served in the Legislature several years before 1845, when he was elected to the House in place of the Hon.

Lincoln Clark, who had resigned his seat on being appointed Judge of the Circuit Court. His solid talents and experience gave him a prominent rank among the business members, although he seldom shared in the discussions on the floor, restrained more by the modesty of his character, than any want of speaking capacity.

After settling in Tuskaloosa, when a young man, Dr. Guild married a daughter of Judge M. D. Williams, who was the candidate for Governor in opposition to Gov. Bibb, in 1819, and received a very respectable popular vote.

With fine qualifications as a physician, Dr. Guild has had a large and successful practice throughout a long professional life. No man is more respected for his virtues, and honorable character. He still resides in Tuskaloosa, having long set a Christian example before his fellow-men, by connecting himself with the Methodist Episcopal Church. Advanced age has somewhat impaired his faculties for usefulness.

Twenty years afterward, Dr. Guild joined in a report which had been referred to a Committee of the Senate, to be found on the Journal for 1865, page 114:

Mr. Foster, from the Committee on the Insane Asylum, to which was referred the annual report of the Trustees of said institution, reported—

That no legislation on the subject could be of any practical value, because the State has no means on hand which can be applied to the use of that institution at this time. They recommend that the report be spread upon the Journal.

The report was concurred in.

#### ANNUAL REPORT.

*To the Governor of the State of Alabama:*

The Trustees of the Insane Hospital respectfully submit to your Excellency the following brief report:

There has been admitted in the Hospital, since its opening, in July, 1861, 177 patients:

|                                |              |
|--------------------------------|--------------|
| Discharged, cured.....         | 54 patients. |
| Discharged, improved.....      | 23 “         |
| Eloped.....                    | 6 “          |
| Died.....                      | 38 “         |
| Remaining under treatment..... | 56 “         |

The Hospital has been ably managed by its resident officers, although its progress has been much curtailed, and was completely arrested, by the inability of the State and county authorities to pay the board of the indigent patients. Since last January, no money has been received from any public source (Mobile county excepted), and the Trustees have been compelled to close the doors of the institution against numbers of persons clamorous for admission, and even to dismiss such of the patients as could safely be returned to the delinquent counties. This will account for the large number of discharges, and the comparatively small number of patients at present under treatment.

An appropriation, contingent upon the sale of State bonds bearing six per cent. interest, to be held at not less than par, was made by the last Convention, and the present Legislature was instructed by that body to grant such additional aid as might become necessary to keep the institution in effectual operation. You need hardly be reminded that nothing has yet been accomplished, and the appropriation has not been realized.

As your Excellency can testify, the Trustees have not failed, on every possible occasion, to present this important matter in its strongest light. In its capacity for usefulness, and in reputation, this Hospital is second to none in the South. It is free from debt not more than covered by credits, and if the latter were available, no special aid would now be required.

Impressed with a due sense of the great interests at State, both in a moral and pecuniary aspect, the Trustees feel, in view of the responsibility imposed upon them as Christian men and officers of the State, that they will have done their whole duty when they frankly declare that, unless the promised aid is promptly rendered, the functions of the institution must cease, and its helpless inmates driven from its doors into the streets of Tuscaloosa. Than such an issue, it were better the God-like instincts that prompted the enterprise had never been called into action.

We remain, very respectfully,

REUBEN SEARCY, President,

B. MANLY.

JAMES GUILD,

*Resident Trustees.*

Tuscaloosa, Nov. 1865.

DR. J. H. HASTIE, of Baldwin, was a Whig of intelligence and large reading, not only in politics, but in the general literature of the day. Without attempting any particular display of his abilities upon the floor, he attended closely upon the sittings of the House, and watched its proceedings, so that he might be prepared to vote understandingly on all questions. His finely cultivated taste, and high position in the social circles of Mobile, brought him much in society at Tuscaloosa, where he was highly esteemed for his agreeable address, and gifts in conversation. He still resides in Baldwin county.

JOHN J. HOLLY, of Tallapoosa, was first a member of the House in 1838, and reelected in 1839. For a period of twenty years, with occasional intervals, he has served in the Legislature; in 1845, with his colleague, Dr. Kimball, and closing with the session of 1859-'60.

Mr. Holly was from Georgia, and was much attached to the legal forms of that State, such as Justices Courts, special juries, and the law as laid down in Prince's Digest. He was an apt scholar in learning the drift of legislation in Alabama, and soon made himself useful as a business member, without pretending to shine in debate, though he took the floor when necessary to explain any favorite measure. He has had a long career of success before the people, and in his palmy days was accounted one of the best electioneerers in the State, in the rough and tumble line, although he seldom made a speech in form. But, turn him loose in a crowd of men, and if there was any laugh in them, it was sure to make itself heard. He was a Democrat.

CRAWFORD M. JACKSON, of Autauga, was a Brigadier-General of militia, and was a son of James Jackson, Esq., who came from

Georgia to the Alabama Territory, and was a delegate to the Convention which formed the State Constitution in 1819. He was a brother of Absalom Jackson, Esq., a citizen and planter of merit, in Autauga county.

Gen. Jackson first served in the House in 1843, and again in 1844, 1845, 1855, and 1857. At the latter session he was unanimously elected Speaker of the House, a position for which he was qualified by experience, and by his knowledge of parliamentary law. In his Legislative career he displayed a high order of intelligence, and he retired from public life with some distinction of character. He was a Democrat, firm in his opinions, yet always cautious and respectful to opponents. After he had maturely investigated a principle, he adhered to his convictions.

With a good estate, and a bachelor, he devoted himself to mental culture, to general reading, and to occasional compositions for the press, in which his style was chaste and entertaining. As a neighbor, he was kind and obliging, and as a social companion, he was highly esteemed. He died suddenly, about the commencement of the war.

R. T. JOHNSTON, of Pickens, received his education at the University, near which his father resided, in Tuscaloosa county. Settling in Pickens county in the practice of the law, he was soon elected to the House, and was a member, with occasional intermissions of party ascendancy for many years, in which he displayed abilities of a respectable order. He took an active and intelligent part in the proceedings of the House, and in the councils of his Whig friends. With a will and energy founded on conviction, he was resolute in the discharge of duty, and in the pursuit of his proper interest. He died in a few years after serving through the session of 1845.

EGBERT J. JONES, of Limestone, was a young lawyer, raised and educated in North-Alabama—elected to the House in 1844, and again in 1845. This comprises his legislative record, as to duration of time. He was for many years a member of the Board of Trustees of the State University.

Mr. Jones was certainly the most diffident young man I ever knew in the Legislature, of his culture and general intelligence. He really appeared as bashful as a timid young lady. He had a fine person, tall, well proportioned, and a handsome face, with a complexion red and fresh, the very picture of health and temperance. Of course, he seldom participated in debate, but in the details of business he took a lively interest, and was fully up to the mark of a young legislator.

But if quiet and unobtrusive in the General Assembly, where

talent and experience often alarm the diffidence of youth unnecessarily, there was a position in his subsequent life in which the true merit of his character, as a son of Alabama, was exhibited. After retiring from public life, he prosecuted the practice of his profession, and developed a legal character of no ordinary mould, whilst he also became a man of mark in the cultivation of the higher moral and social qualities. In 1860, the writer met him at Montgomery, where the two Conventions had assembled, and although we attended different places of meeting, I found him warm-hearted and friendly, yet fired with a conviction of the rights and wrongs of the South.

After the organization of the Confederate Government, Mr. Jones volunteered in the service, and was elected Colonel of the 4th Alabama Regiment, and was ordered to Virginia where he arrived with his command in time to take part in the first battle of Manassas. Here he, and the men under his command, distinguished themselves, and reflected honor on the State for stubborn bravery and endurance in resisting the repeated attacks of the enemy. It is said that Col. Jones maintained his position at the head of his regiment, calm and determined, until he was mortally wounded, and borne off the field. He was a consistent member of the Methodist Episcopal Church, and died as a Christian; and was among the first of Alabama's native sons to offer his life in defense of her rights and her honor, when both were invaded.

ELIJAH KERR, of Benton, came from South Carolina, and settled in Alabama in 1836 where he has since resided. He was induced to take a seat in the House, in 1845; but his tastes and inclinations made him prefer private life afterward. He was a silent, yet attentive member, in discharging his legislative duties, and was affable in his intercourse with those around him. He is a gentleman of solid character, of respectable intelligence, and has long exerted a healthful influence in his county. Mr. Kerr is a Democrat, and a leading member of the Methodist Episcopal Church, South.

AMOS R. MANNING, of Marengo, came into the House, 1845, it being his first session as a member. He was a lawyer, well versed in business details, intelligent and industrious, and contributed no little by his ready attention and ability, to the dispatch of the public business. A fluent speaker, always prepared for the tilt, he entered freely into the discussions on the floor, and was listened to with attention and respect. His voice was agreeable, and his style that of a scholar. His arguments were always marked with ability.

In 1849, Mr. Manning was returned to the Senate, where he

served through a term of four years, in which time, with enlarged experience, his usefulness as a legislator increased. After this, he removed to Mobile where he has since resided, engaged in the practice of the law. He belonged to the Whig party, but was tolerant in his feelings, and a social, pleasant gentleman in society, relaxing at times into the pleasantries and anecdotes of the familiar circle. If I mistake not, Mr. Manning is a native of Alabama.

THOMAS M. PETERS, of Lawrence, graduated at the University of Alabama, in the class of 1834, with C. C. Clay, Jr., of Madison, and Walter H. Crenshaw, of Butler, both of whom have acquired distinction in the public service.

Mr. Peters took his seat in the House for the first time, in 1845, was a Whig, entirely self-possessed, sensible, and fond of taking part in the debates as they occurred. In 1847, he was elected to the Senate from Lawrence and Walker, and in this body preserved his character for speech making, as well as that for general intelligence. He was rather a strong man intellectually, though he was a little impatient when a leading rank was not accorded to him.

After serving through his term in the Senate, Mr. Peters remained in private life, in the practice of the law, until the reorganization of parties under the reconstruction policy of Congress, when he allied himself with the Republican, or Radical party; and through the influence of the bayonet, or during the bayonet rule, he was elected a delegate to the Convention to form the Constitution under which the people of Alabama are now living. He was the nominee of the Radical party for a seat upon the Bench of the Supreme Court, and, under the rule then predominating, obtained it, and now sits upon the Bench from which the law has been expounded in other days by such men as Goldthwaite, Collier, Ormond, Chilton, Dargan, and others of equal merit.

JAMES R. POWELL, of Coosa, is a native of Virginia, and, in his seventeenth year came to Alabama, in 1833, in quest of fortune. His education was respectable, and he assisted a while in the teachers' department of an academy in Lowndes county. He was buoyant with hope and industry. After he had laid the foundation for business, he sent for his father, Col. Addison Powell, a Virginia gentleman of the olden time, and the family removed to Montgomery, where they kept a hotel under the firm of Addison Powell & Son. The father died in a few years. His widow, the mother of James R. Powell, a lady of culture and amiable character, lived many years thereafter, raising a family. A career of great enterprise and success was soon opened to the son.

In 1845, he was elected to the House from Coosa county, with his colleague Col. Howell Rose, both gentlemen of ability. Being

deeply interested, in common with their constituents, in the removal of the Seat of Government to Wetumpka, they applied themselves diligently to this enterprise, and obtained a very respectable support for their town, as may be seen by the table of ballots in another place in this volume.

Col. Powell was a shrewd, practical man, and often addressed the House in a brief, but very sensible manner, in behalf of or against any measure, as he might think proper, and as his judgment dictated. He was very active and useful on Committees, and in the general dispatch of the public business. His suggestions always denoted a closely observing mind, and a rare degree of penetration.

In 1853, he was nominated for the Senate by the Democrats, and was elected. He served that session, and through the session of 1855, when he retired from the Legislature. In the meantime he had become extensively interested in mail contracts, which, through great energy and skillful management, proved a source of revenue to him. At the close of his Senatorial term, he made Montgomery the seat of his financial operations, and he has since resided in that city, with ample means at his command, and a large property to reward his toils.

Col. Powell traveled extensively in Europe during the year 1870, and wrote several letters which were published in the Montgomery papers, giving a very interesting description of the places of note which he had visited, with a variety of observations showing faculties as a writer and a thinker, which do him much credit. He well deserves the prosperity for which he has so diligently labored, and which will render the evening of life agreeable and comfortable.

But the greatest enterprise in the way of building up cities, mining and manufacturing establishments in the South, is that of the Elyton Land Company, with the new city of Birmingham as its center, which originated with Col. Powell. As data upon which the future may be calculated from the resources brought to light, several letters are here reproduced, the first from the "Montgomery Advertiser," dated:

BIRMINGHAM, April 3d, 1872.

*Editors Advertiser*—I have seen several letters of late from this place, in which great surprise is expressed at the rapid growth of Birmingham, and in which a faint description of its improvements is given. But, Messrs. Editors, the truth is the writers were afraid to tell the *whole*, for fear of taxing the credulity of their readers to too great an extent. *The half has not been told*; and when we come to minutely examine the surroundings, there is no cause for surprise.

Atlanta, before the war, had no advantage of Birmingham in point of railroad facilities. Upon the completion of the South and North Railroad, Birmingham will be accessible to the great cities of the Northwest, having a direct communication with Louisville, Nashville, Memphis, Cincinnati and Chicago. It now has connection by the Alabama & Chattanooga Railroad, via Chattanooga, with Rich-

mond, Washington, Baltimore, Philadelphia and New York; and via Meridian, with Mobile and New Orleans; and via Montgomery, with the Atlantic ports at Savannah and Brunswick. This much Atlanta also had, and *no more*. In addition to all these, Birmingham has rich and fertile agricultural lands around it, and the first mineral country *in the world*. The beds of coal, iron and lime that surround it are simply inexhaustible. Enterprising men from the North are being daily attracted to Birmingham by the wonderful stories told of its great wealth, now buried in the bowels of the earth. When once on the spot, they find themselves spell-bound by the superior quality and quantity of the ores, and they at once resolve to invest. Yet Atlanta, which twenty-five years ago was a mere wilderness, is now a growing city of thirty-five or forty thousand inhabitants. I remember well, as you doubtless do, Messrs. Editors, the contemptuous remarks and sneers made at the predictions about Atlanta, and even now there are those who will not believe Atlanta anything more than a mushroom town—for,

“Convince a fool against his will,  
He'll be of the same opinion still.”

So it is with Birmingham; but let any one who doubts, come and see for himself, and like the writer, though his expectations may run high, he will nevertheless be surprised. A little more than seven months ago, the site of Birmingham was a cotton-field. There was not a hut upon the place. When the founder, the indefatigable and enterprising Col. Powell (*the present Duke*), with his surveyor, Mr. Parker, and his clerk, Mr. Milner, landed at Birmingham to lay off the streets, they were compelled to go into camps. On the 8th of August, 1871, the foundation for the first house was laid, and on the 29th of August it was ready for use. On the 19th of December thereafter, the city was incorporated by the Alabama Legislature, (application having been made only three weeks before,) and a Mayor and City Council were immediately elected. Col. R. H. Henly, a talented young lawyer, and the editor of the “Sun,” has the honor of being the first Mayor of this promising young city.

There are now over 300 buildings, 80 framed storehouses, 20 brick stores and houses two and three stories high, and 40 brick stores under contract, and to be built this summer. There are also two planing mills, and sash and blind factories, two grist mills, one cotton factory, (being built,) one foundry and machine shop, two hotels, five restaurants, ten boarding-houses, one Episcopal Church, eight brick-yards, two lime-kilns, three stone quarries, two butcher pens, six physicians, six lawyers, two newspapers, two job printing offices, one livery stable, three blacksmith and wagon shops, two paint stores, two news depots, five bar and billiard saloons, three hardware stores, two furniture stores, and last, but not least, *a perfect Mohammed's paradise of lovely women.*

Here are representatives from all sections of Alabama. Having a tolerably extensive acquaintance in the State, I found old friends and acquaintances from every direction, and they are all men of enterprise and full of *vim*. To give you an idea of how business is done, I will relate an incident that occurred some weeks ago. Happening to be in Jacksonville I met on the train, as I was leaving, an old and valued friend in the person of Jim Morris, from West Point, Ga. After the usual salutations, said I, “Jim, where are you going? What are you doing out here?” He replied, “I have heard so much of Birmingham, that I have concluded to go and see the place for myself.” “Do you intend to settle there?” said I. “Don't know, may if I like it.” We separated and I heard no more of Jim until yesterday, when walking along in amazement at the rapid growth of the town, some one called to me from the opposite side of the street, (Cor. 2d Avenue and 20th street.) I went over and found the veritable Jim. He had built a fine store room, and stocked it full of furniture that would not disgrace the magnificent rooms of our respected and beloved old friend, Jno. Powell. Nor is this all; he has nearly completed another two-story store house, and looks as jovial and happy as he used to look while doing such a thriving business in West Point.

I merely mention this to illustrate how things are done in B—. The Methodists, Baptists and Presbyterians are all making arrangements to build Churches. I had the pleasure of meeting and spending a few hours quite pleasantly with

Father McDonough, of Tuskaloosa, who, by the way, is one of the most talented, learned and pleasant gentlemen in the South. He informed me that it was his intention to begin work at an early day upon the Catholic Church at this place, and from all that I could learn, it will be an ornament to his Church as well as to the city of Birmingham. It will have about 100 members to begin with.

Now, Messrs. Editors, these things being strictly true, as every citizen of the place will testify, what may we not expect of Birmingham, should the other contemplated railroads be built? And why should they not?

If you will take your map and follow me, I think I can show you the practicality, probability and vast importance of each and every one of these roads. The S. & N. and the A. & C. Roads being already built, we will begin with the Georgia Western Road. This Road, it is conceded, will surely be built. Atlanta is bound, in self-defense to build it, in order to open up the vast fields of iron and coal in N. W. Georgia and N. E. Alabama. The Road to West Point, known as the West Point L. & B. (Narrow Gauge) Railroad, I am assured by the citizens of West Point will soon be commenced. The Savannah & Memphis is being pushed forward by capitalists at the North, and there is not a shadow of a doubt as to its early completion. Selma, I learn, is determined, at all hazards, to have a direct communication with Birmingham, by means of an air line road from Ashby, a point on the Selma, Rome & Dalton Railroad a few miles south of Montevallo. Mobile will never allow the "Grand Trunk" to stop short of Birmingham. Now comes the Road of Roads, the one most important to the cities of Birmingham, Montgomery, St. Louis and Brunswick, viz: the Elyton, Corinth & Tennessee River Railroad.

As you will readily perceive, this Road will form almost an air line from St. Louis, via Birmingham and Montgomery, to Brunswick, Ga., on the Atlantic Coast. It will begin at Pittsburg landing, on the Tennessee River, and run through the counties of Walker, Winston, Marion and Franklin to Birmingham in Jefferson county. I have just had the pleasure of meeting Dr. A. M. Johnson, the Secretary, an intelligent and well-informed gentleman, who informs me that a survey of this Road has been completed to Birmingham. It passes through the best coal regions of Alabama, as yet *untouched*, and will place Montgomery in as direct communication with St. Louis as it will shortly be with Louisville. It will therefore give us two outlets to the great North-west.

This Road, shortening the distance, as it does, from St. Louis to the Atlantic Coast, at Brunswick, Ga., by 80 miles or more, will afford us the great *desideratum* of our people, viz: direct communication with Europe. It will open to us the immense cribs and meat houses of the Queen City of the West, where we can deal with friends and sympathizers. When this matter is properly viewed by our own citizens, and the citizens of St. Louis, Brunswick and other places equally interested, I am forced to believe that this important Road will be speedily built. It is a matter in which Montgomery is or *should be* deeply interested, because this road will afford two sources from which to draw her supplies, instead of one as now.

I have made this letter much longer than I intended when I started, but I cannot even yet find my consent to conclude it without paying a deserved tribute to the noble, patriotic and energetic citizens of Jefferson county, and especially those of Elyton and Birmingham. They are the men and women who truly "constitute a State," who always have been and always will be its chief ornament and support.

The second letter is from Col. Powell himself, published in the "Corinth (Miss.) Ledger," addressed to the Hon. J. F. Arnold, President of the E. C. & Tenn. R. R., dated—

BIRMINGHAM, ALA., April 4, 1872.

MY DEAR SIR: YOUR favor of 23d of March received, contents noted, and I hasten to reply. \* \* \* \* \*

Dr. Johnson is here doing good work for your enterprise, which I consider the greatest work now in contemplation in the South, in connecting this country, by a short line railroad, to St. Louis and the Northwest. In a political aspect, it is

admirable to contemplate the advantages of identifying the Queen City of the West with the heart of the South by the shortest practicable railroad line connecting with deep water navigation at Pittsburg Landing, on the Tennessee River. It is interesting to see a down-trodden people, as we are, so much excited in encouraging the rivalry of St. Louis in her contest with New York for financial and commercial supremacy, which, in time, she must obtain, when the great Mississippi Valley is populated by her unborn millions. We crave to cement ourselves with the Queen City of the West, and help her to become the political metropolis of the United States, as well as the financial and commercial metropolis of this continent; and she has only to stretch forth her arms with her mighty power, and take us into her embraces and relieve us from that *fostering protection* which has well nigh destroyed us. We want free intercommunication with a people who sympathize with us in our political afflictions, which have been more oppressive since the war than the war itself.

Before St. Louis can build this great railroad from Pittsburg Landing (160 miles) to Birmingham, there will be completed railroads from this place to Atlanta, Georgia, to Opelika and Savannah, to Mobile and Pensacola, (the roads to Montgomery, Chattanooga, Tennessee, and Meridian being already finished).

The Savannah and Memphis being in fact a part of your line, you will have free and direct communication with Savannah and Brunswick, from one or both of which should be established mail, passenger and freight steamers to Europe, as are now enjoyed by New York. Thus St. Louis will be placed in quick communication with the South, and direct communication with Europe, by which she will be able to supply the whole South and West on as good terms as New York can do.

Our city is progressing well, and all we need now to give additional impetus to investments in foundries and machine shops, is the construction of competing lines of transportation to authorize large investments. We, at Birmingham, rely with great confidence upon your route to supply us with cheap food, to feed the millions who, in the course of years, will be required to work on the minerals of this favored locality. To say nothing of other minerals, such as marble, slate, etc., the inexhaustible abundance of coal and iron, limestone and sandstone—all indispensable elements in making iron—and all in close proximity and in greater abundance here than in any other locality in the world, makes it peculiarly appropriate that we should be closely identified with the granaries and meat-houses of the great Northwest, by which we can exchange our commodities with such reciprocal advantages; when, with iron and coal in such abundance, and all the elements at hand to make cheap iron, and enough to supply the workshops and laborers of the world through two or three centuries, how can we limit the population of this country, when we will be able to get food from the Northwest as cheaply as at St. Louis prices, adding transportation, four hundred miles by water and one hundred and sixty miles by land, which small additional cost to the laborer in the item of food is more than compensated by the use of less fuel and cheaper and less expensive clothing and winter goods, to say nothing of the greater number of days in which labor can be performed in this genial and healthful climate than in latitudes frozen four or five months in the year.

You will be surprised to know that in three months and twenty days after our first house was built, Birmingham was incorporated a city, on the 19th of December last, with twelve hundred inhabitants, and forty-eight large stores, eighteen of which are two story brick. Now we have four hundred houses, among which are one hundred and fifty dwellings, many of these first class, eighteen brick and two stone stores, two and three stories high; eighty framed stores, one large hotel and livery stable, ten boarding houses, five restaurants, one foundry and machine shop, three blacksmith shops, two planing mills and sash and blind factories, two grist mills, one cotton factory commenced and parties at the North engaged in buying the machinery, besides about two hundred good class houses, many of them brick, now under contract to be built this year. All the buildings and enterprises mentioned above are finished and in successful operation, except the foundry and machine shop, which is not yet commenced—the lots are engaged for that purpose. Nine brick-yards are now employed actively in making brick, under a contract to make each a million of brick, to be sold at not more than seven dollars

per thousand, and will probably make each two millions—the Elyton Land Company agreeing to furnish the land and wood free of charge for that purpose, to insure cheap brick to builders. Lime-kilns are in successful operation, affording abundance of excellent lime on the premises, and several quarries of rock are opened, which give choice to builders to use that material instead of brick.

In short, we are a live people in Birmingham, without any connection with the Northwest, which we soon hope to have, by the South & North Alabama Railroad, to Louisville, Cincinnati and Chicago; and live in hope to have direct connection with the Queen City of the West, that she may exchange her breadstuffs and other supplies with the prospective and natural Queen City of the South for her iron and coal.

You observe that this subject swells into such proportions that it is difficult to conclude a letter when you attempt to handle it.

You will, however, excuse me for trespassing upon your time, and hoping to see you soon, I am truly your friend,

J. R. POWELL.

The third letter is also from Col. Powell, as President of the Elyton Land Company, addressed to John M. Caldwell, Indianapolis, Indiana, and published in the "Indianapolis Sentinel," as follows:

OFFICE OF ELYTON LAND COMPANY, }  
BIRMINGHAM, ALA., April 28, 1872. }

MY DEAR SIR: Yours of the 17th instant received, asking me to "give you my views on this section of Alabama in reference to its mineral advantages." I shall be very glad to see you located in this favorable locality—Jones' Valley—favored because of its wonderful developments of minerals—coal, iron slate, marble, and lead. Those minerals, the sources of great wealth to a country, including sandstone and limestone, are in inexhaustible quantities in this valley.

Here, according to the united testimony of every iron master from the principal works of Europe and America, (and we have had their representatives here) iron can be made more cheaply than in any other locality, because all the elements which make iron are in such close proximity, and in exhaustless abundance.

This locality must surely be the Birmingham of America. Railroads permeating the cotton belt of Georgia, Alabama, Florida and Mississippi are being built, and in rapid progress of construction to this point, while, during this year, our direct railroad connections will be complete, via Decatur, Alabama, with Louisville, Kentucky, and the markets of the Northwest.

The new and young city of Birmingham, named for its renowned predecessor in England, is situated at the intersection of all these railroads, and in the heart of the coal and iron region of the State, in a high and healthy latitude, with soil and climate suitable for all the grasses and cereals grown in the most favored localities of Tennessee and Kentucky.

All articles made of iron, and used in the Southern, Southwestern, Northern, and Northwestern States, ought to be more cheaply made here than any point in the Union. It is here that the raw material required can be most cheaply obtained. Here can the fuel be bought to be used in the manufacture of iron at a less cost than at any other point where ore and labor needed can mingle in the production. The labor, too, can be had at less rates than in any other locality. When it is domiciled here, and provision for its support can be got into cheap and expeditious channels, we presume no one will dispute this. With direct railroad communication with Louisville during the present year, and direct rail communication with St. Louis, which is in contemplation, the difference in cost of living at Birmingham and at Louisville or St. Louis, will only be the difference in the cost of transportation of breadstuffs by competing lines of transportation, which will be more than compensated by cheap rents, cheaper and less heavy clothing, cheaper and less fuel, with the advantage of having every day in the year utilized in work, while in frozen regions three or four months of every year are comparatively lost by the rigidity of the climate.

The intelligent and well-informed will need no array of facts as to the cost of ore, coal, labor, etc., at this point, as compared with others that may become our rivals in manufacturing. Nor will it be necessary to call attention to facilities for distribution by rail to a larger extent of country than can be reached in a few years from any other locality on equal terms. A glance at the maps will be needed only to show the extensive region we ought to supply.

To become the Birmingham of the United States, we have only to harmonize these advantages, and develop into practiced utility the resources at our disposal. Then what? What factories ought we to have? Every variety requisite for the making of every article of a metallic character. There should be, and doubtless will be, extensive manufactories here of every article, from the largest steam engines, hydraulic presses, or crystal palaces, down to the smallest toy, pin or needle.

With a rapidly increasing population estimated at four hundred thousand, being double the number of inhabitants when I visited it in 1866, Birmingham, England, produces annually nearly £5,000,000 worth of manufactured articles. This amount, in our money, would be equal to \$25,000,000, a colossal sum to be distributed to four hundred thousand inhabitants, or to—allowing one man for every five of population—each man over \$3,000 a year. If one-fifth of this be the profit, or production from labor, it will be giving every man in that city six hundred dollars per annum as the net proceeds or return from the manufacturing alone. It would be an interesting subject for investigation to estimate the amount that this city, the American Birmingham, would receive per annum, when her railroad system shall be further advanced, in supplying the country tributary to her commerce and trade, and legitimately within the scope of her transportations, at less rates than it can be supplied for from any other point.

With proper effort, the time is not far distant when all metallic articles, as well as those into which wood and iron mingle, will be made here, whether of gold, silver, brass, steel, or of the hard lumber so easily obtained at this point.

In maturer years, we will make engines, presses, fire-arms, swords, jewelry, Japanned articles, ornaments, hardware and cutlery of all kinds. The population this would bring here, in addition to that which other pursuits command, which, by the concentration of many railways permeating the cotton belt, and making this a great distributing point for Western products and manufactured materials, would cause this city to acquire, in due time, a population, the estimation of which at this time, would be incredible. Indeed, with an inexhaustible supply of iron ore, and coal, sandstone for furnaces, and limestone for fluxing, and all surrounding the city of Birmingham, Jefferson county, Alabama, with the advantages of cheap living in a healthy region, there can be no limit to the capital to be invested, and the laboring population which must in time congregate to this favored locality, where the making of iron, on account of its increasing value and demand, affords, and will ever continue to afford, such remunerative compensation for labor.

I am, very truly, your friend,

J. R. POWELL.

JOSEPH W. TAYLOR, of Greene, was born in Cumberland county, Kentucky, about the year 1820. His parents were Virginians. He graduated at Princeton College, Kentucky, and came to Alabama in 1838, where he studied law in the office and under the direction of Judge H. I. Thornton, in Greene county. After his admission to the bar, he practiced law several years. In the Presidential canvass of 1840, Mr. Taylor, young as he was, entered warmly into the support of Gen. Harrison, by making speeches in the Tippacanoë Clubs common at that day. His strength of character was then, for the first time, made known to the public. He also wrote a number of articles which were published in the Whig papers, defending the policy and measures of

that party. In 1844, he was appointed a District Elector on the Clay ticket for President, and made a number of speeches during the canvass to promote the success of the great Western statesman.

In 1845, Mr. Taylor was elected a member of the House of Representatives, at the age of twenty-five years. His speech against the removal of the Seat of Government was considered a masterly effort.

On the 9th of August, 1847, Mr. Taylor made "A PLEA FOR THE UNIVERSITY OF ALABAMA," being "An address delivered before the Erosophic and Philomathic Societies of the University of Alabama, on the Anniversary occasion," which was published in a pamphlet of 57 pages, and is a performance of great ability. In it is a correspondence between a Committee consisting of Messrs. John A. Foster, Alexander C. Davidson, and James T. Killough, on the part of the Philomathic Society; and Messrs. Elmore J. Fitzpatrick, Thaddeus H. Perry, and A. A. Archibald, on the part of the Erosophic Society, and Mr. Taylor, requesting a copy of the address for publication. The note of the Committee on the part of the Trustees, and the reply of Mr. Taylor are here inserted:

UNIVERSITY OF ALABAMA, Aug. 11, 1847.

JOSEPH W. TAYLOR, Esq.:

*Dear Sir:*—The Trustees of the University, at a meeting on the 10th instant, *Resolved unanimously*, that they, as a body, felt very great pleasure and high gratification in listening to your able and interesting Address before the Literary Societies of the University, on Monday last; and that you be respectfully requested to let a copy be taken for publication.

The undersigned were appointed a committee to convey to you the sentiments and wishes of the Board of Trustees.

In discharging that pleasant duty, you will permit us to add our individual congratulations at the successful accomplishment of the object of your address in making an able and powerful Plea for the Institution; and our sincere desire that you will comply with the wishes of the Board of Trustees.

Very respectfully, your obedient servants,

JAS. GUILD,  
RICH. T. NOTT,  
F. G. NORMAN,

TUSKALOOSA, Aug. 12, 1847.

*Gentlemen:*—I take great pleasure in complying with the request of the Trustees of the University, contained in your note of the 11th instant.

Please convey to them very grateful acknowledgments for so flattering a mark of their approval of my address before the Literary Societies of the University, and accept for yourselves, my thanks for the complimentary terms in which you have communicated the wishes of those you represent.

Very respectfully, your obedient servant,

JOSEPH W. TAYLOR.

*To Messrs. Jas. Guild, Rich. T. Nott, F. G. Norman,  
Committee of the Trustees, &c.*

In 1847, Mr. Taylor was elected to the House, and served through the first session at Montgomery. The record establishes

his position. In 1855, he was returned to the Senate, and made Chairman of the Committee on Education—the very place for him as a public benefactor.

Mr. Taylor married a daughter of Solomon McAlpin, Sr., a wealthy and influential citizen of Greene county. In 1851, he, with Mr. McAlpin and a few other gentlemen, represented the Alabama State Agricultural Society, at the State Fair held at Macon, Georgia. By his family alliance, he probably became connected with agricultural pursuits, and thus reduced to practice, to some extent, his stores of theoretical knowledge on the subject.

After the war terminated, and the State had complied with the terms required by President Johnson, to be restored to all her former relations with the Federal Government, Mr. Taylor was elected a Representative to Congress in the Fall of 1865, and, with his colleagues, visited Washington City with their credentials, at the opening of Congress, in December of that year. They were not permitted to take their seats. While awaiting the final action of Congress in the matter, Mr. Taylor wrote a series of articles signed "Madison," which were published in the "National Intelligencer," under the title of "The case of the Southern members of Congress," averaging about two columns. Owing to their length, it will not be practicable to transfer all of them to this work, as their merits deserve; but, as the first number opens the whole question so fairly and accurately, on a documentary basis, we make room for it entire:

MESSRS. EDITORS: I propose, with your permission, to submit to the public, through the columns of your conservative and truly national journal, some considerations touching the application of the Southern members for seats in Congress. I do so of my own motion and upon my individual responsibility alone. I have had no consultation with the gentlemen composing the delegations from the South as to the propriety of such a discussion. They will be in no manner responsible either for the arguments I may use or the appeals which I may make. So far as I am advised, these gentlemen are behaving with the most becoming propriety in the trying and very embarrassing position in which they have been placed by the resolution of exclusion adopted by the House of Representatives on the first day of the session. They have made no public complaints as to its injustice. They have uttered no protest as to the infraction of the great right of free discussion made by an arbitrary decree which has silenced discussion upon the floor or at the bar of the House upon the most momentous question ever submitted for the decision of a deliberative assembly. The representatives of great constituencies, they have maintained the dignity of their position by quietly presenting their credentials and patiently awaiting the action of Congress upon them. Such a course is a silent, but eloquent appeal, not only to the justice of that body, but to the magnanimity and sense of right of the whole American people. As one of that people I confess that I am not insensible to its force, and feel impelled to respond to its demands upon me by submitting a sincere, though it may be a feeble and unavailing argument, in behalf of the claims of these Southern members to their seats.

It cannot be denied, Messrs. Editors, that the question of their admission or exclusion is one of transcendent interest and importance. It deeply concerns the present, and takes large hold upon the future of the whole country. It relates to the unity of the Republic and the representative equality of the people of its dif-

ferent sections. It comprehends, within the range of its possible results, the peace of a section, the prosperity of a nation, and, perhaps, the repose of a continent. The fraternal feelings and the intersectional comities of millions of freemen, and much either of glory or of shame to our common country, depend upon the solution which this question is destined to receive at the hands of the present Congress.

The parties to it are the most august and respectable that ever stood suitors for the right at the bar of a nation, or sat as judges in its loftiest seats of justice. Eleven commonwealths—some of them venerable for age and illustrious for service in the great war of American Independence, and all of them distinguished for the fertility of their soil, the salubrity of their clime, the abundance of their resources, and for the intelligence, the bravery, and the high-toned character of their people—stand at the bar of the National Congress, by their representatives, to demand the right so dear to American freemen, and which they believe to be indisputably theirs under the common Constitution of the country: the right to be represented in the council halls of the nation. Twenty-six other commonwealths, many of them also venerable for age and illustrious for service in the same Revolutionary struggle, and all of them abounding in wealth, in intelligence, and in the activities of a teeming and busy population, sit within the bar of the National Congress, by their representatives, as judges to decide, under the sanctity of solemn oaths and high official responsibility, and by the lights of reason and law, one of the mightiest questions ever submitted to the arbitrament of an earthly tribunal.

It is deeply to be deplored that a question of such transcendent interest and importance, requiring for its adjustment the exercise of the calmest and most unprejudiced reason, should be surrounded with so many circumstances unfavorable to its proper solution. The country has just emerged from a long and desolating civil war. The passions engendered by its conflicts of arms and of opinion have not yet had time to cool. The memory of its numerous dead who perished on the battle-field or by the multitudinous casualties of war; the spectacle of its widows and orphans asking for bread, and of its maimed and halt victims hobbling through the land; its numberless social and domestic bereavements; the sight, in one section, of ravaged fields, of burnt homesteads, of ruined villages and towns, of a demoralized people and an impoverished land; the pressure of an immense public debt, exhausting the resources of the country to meet its demands, and taxing the skill of its financiers to maintain the public credit unimpaired; the mighty arrest placed, for four years, upon the commerce, the industrial development, and the general improvement of the country; these and numberless other fierce mementos of the struggle remain to embitter the feelings and to alienate the affections of the people of the two sections, and to disqualify their representatives for the calm consideration and the impartial umpirage of the question submitted for their decision. Happy would it be for the people of America, now that the terrible conflict is over, could they and their representatives mutually both forgive and forget its wrongs, its desolations, and its crimes, and address themselves with the energies of united hands and hearts to the great work of reconstructing the fallen fabric of our country's greatness and prosperity.

It is a circumstance also much to be regretted that the question of the admissibility of Southern members to seats in Congress has been drawn into the arena of party politics, and made the theme of party discussion in the newspaper press of this country. Alas! that such a question should be dragged down from the serene heights of reason and the Constitution, where it should be permitted to remain for solution, to be steeped in the mire of party, distorted by its passions, and decided at the bar of its distempered fancies! He who brings to the consideration of this great question the spirit and purposes of a partisan, instead of an American patriot, disqualifies himself by that very fact for sitting as a judge in the cause, and impeaches, in advance, the correctness of the decision which he may render.

The true spirit, Messrs. Editors, in which all of us, both people and official representatives of the people, should address ourselves to the solution of this particular question, and to the great work of the general pacification of the country, is that of conciliation, compromise, and mutual forbearance. We are political

brethren of one lineage and household. We have a common country in the present to protect, and common destiny in the future to advance. In an evil hour we quarrelled among ourselves, and appealed to the sword as the arbiter of the strife. After four years of unparalleled struggle, the work of mutual destruction has been stayed. Brethren still, we meet either as people or representatives of the late warring sections, to take counsel for repairing the desolations of the past and for improving the future fortunes of the Republic. Here in the metropolis of our country, standing upon the hearthstone of the nation, and in full view, as it were, of its household gods, let us renew our broken family vows, and forgetting that we have once been foes, and remember only that we are political brethren, having henceforth one common country, and one common destiny, let us pledge our fealty anew to the flag and the fortunes of the Great Republic.

Having glanced at those topics to which I deemed a preliminary reference both useful and appropriate, I proceed next to state and discuss the great question of the right of the Southern members to seats in Congress. A somewhat formal and elaborate statement of the question itself will contribute no little to its elucidation and much to the clearness of the argument which I am about to submit.

Five years ago, Abraham Lincoln and Hannibal Hamlin were elected President and Vice-President of the United States. Immediately on the occurrence of that event, or during the next succeeding year, ten States of the South, by formal ordinances of secession, and three others by Legislative resolves, declared their separation from the Federal Union, formed a provisional and afterward a permanent government, elected a President, assembled a Congress, and proceeded to exercise all the functions of a separate political sovereignty, under the name of the Confederate States of America. The United States resisting this attempt to disintegrate its territory and its nationality, a civil war between the sections ensued and ended, after four years, in the unconditional submission of the people and States of the South to the National authority. Amid its closing scenes, Abraham Lincoln, who had been a second time elected to the Presidency, perished by the hand of an assassin, and Andrew Johnson, the Vice-President, became President, in accordance with the provisions of the Constitution. Soon after his accession to that office, he promulgated, in Executive proclamations, his plan for the restoration of the former relations between the States of the South and the Federal Union.

The fundamental and pervading idea of this scheme seems to be that of justice to the entire nation, and of favoritism to neither of its sections. It held that the integrity of the National Union was neither destroyed or impaired by the war between its sections; that the insurrectionary States, not having the right to withdraw from the Federal compact by an ordinance of secession, and having failed to accomplish their separation by the sword, emerged from the struggle as they entered it, States and members of the Union; that these States retain their Constitutions, laws, and State boundaries, such as they were prior to the passage of their several ordinances of secession; that the two former have been placed in a state of abeyance or temporary suspension by the revolutionary action of the States themselves; that each one of these States for itself, and jointly with its co-States in the rebellion, submitted the institution of slavery, as an issue of the war, to the abatement of the sword, and, having failed to sustain it by the sword, must accept the abolition of the institution as an accomplished and henceforth irreversible fact; that for the purpose of restoring the Constitution and laws of these States to their pristine vitality and force, by removing the hindrances created by a state of war, and the acts of a revolutionary and usurping government, and also for the purpose of engrafting upon both a recognition of the abolition of slavery as a result of the war, provisional governments are necessary and constitutional agencies; that all local citizens of those States—meaning by that term those who remained loyal to the Union during the war, and those who may take and subscribe the oath of allegiance prescribed in the amnesty proclamation of the President, or who, being included in one of its excepted classes shall have received a special pardon—should be allowed to participate in the work of restoring the State to its former relations with the Federal Union; that the citizens of each State are best entitled to fill the offices of its provisional government, and

should alone be appointed to them: that the masses of the people in the insurrectionary States, having been seduced and precipitated into rebellion by the arts and persuasions of their leaders, ought to be leniently treated and generally pardoned by the Government, while the leaders themselves and their influential followers should be held to a stricter reckoning, both to vindicate the supremacy of the National authority in the punishment of treason, and because, as the really guilty authors of the rebellion, they deserve more, both of censure and of punishment, than the comparatively innocent masses; that the black race in the South have been forever freed by the emancipation proclamation of President Lincoln, and by the operation and issue of the war; that the emancipated blacks are not qualified to participate in the work of reconstructing the rebellious States; that the President has no constitutional power to confer upon them the right of suffrage, that power belonging, by express grant of the Constitution, exclusively to the States themselves; that the determination of their political *status* belongs to the people of the several States as a question of domestic policy, but that the blacks should be protected in their rights, both of person and property, by adequate State legislation; that the debt contracted by each Southern State in aid of the war should be wholly and forever repudiated; that the amendment to the Federal Constitution abolishing slavery within the territorial limits of the United States should be adopted; and, finally, that after these States shall have passed through the brief pupilage of provisional government, complied with the conditions prescribed in the restoration policy of the President, and completed their organization under their amended Constitutions by the election of the Federal and State officers to which they are entitled, they shall be recognized and treated as restored to their former relations with the Federal Union.

Following out this scheme of restoration, the President appointed Provisional Governors for the Southern States, and issued proclamations prescribing the general outlines of his reconstruction policy. These Governors called conventions of the people of their several States, which abolished slavery, or rather recognized, by suitable averments in their Constitutions, the fact that it had been destroyed, provided that it should not again exist within their limits, and otherwise modified and amended those instruments so as to make them conform to the new order of things, and the altered relations of the two races in the South. These conventions also ordered elections to be held for the various State officers, and either ordered themselves, or authorized and requested the Provisional Governors to issue writs for the election of members to the Congress of the United States. At the elections thus holden, the members from the South now claiming seats were chosen, by the free voice of their several constituencies representatives to Congress. Whether they are entitled to seats in that body is the great question which I proceed next to discuss.

The validity of the claims of Southern members to seats depends chiefly upon the constitutional validity of that scheme of provisional or military government under which they have been chosen. I propose, therefore, to show:

First, That this scheme is constitutional in all its provisions and features.

Second, That the President had the power, under the Constitution, to establish it.

Third, That the persons elected to Congress under it are entitled to seats in that body, free from all conditions and qualifications except those prescribed in the Constitution itself.

The papers which followed from Mr. Taylor's pen were in the nature of a review of the Federative System of the United States, the history of the compact of Union, the denial of all powers to the General Government except such as the Constitution expressly, or by implication, delegated to it, as the agent of the States for external defense, for foreign intercourse, and for domestic security. These features were examined in a style, and with an intelligence, elevation and courtesy, which have been seldom surpassed by any

writers on the subject. The ten columns of matter which the articles embrace, show a degree of research, and a power of logic of which any statesman might be proud. The fifth article closes the series, of which the following is an extract:

But it is time, Messrs. Editors, that I should bring this, I fear, too extended discussion to a close. I cannot do so, however, consistently with my sense of duty to the country, without presenting, in a condensed and somewhat rhetorical form, and as an appeal both to the judgment and sensibilities of the public, the case of these Southern members.

Far away in the South there lies a beautiful land, warmed by glowing suns, and fanned by cooling breezes from the sea. Its soil is fertile, its air is pure, and its productions rich and varied as those of the tropics. The bravery of its sons has become proverbial, and its daughters, fair as the dames of Caucasus, are as virtuous as they are fair. This glowing clime has borne its full part in all the perils of the country, and contributed its full share of glory and fame to the nation. Its heroic dead lie buried on all the battle-fields of the Republic. The fiery genius of its sons has added to the parliamentary and forensic glory of the land. Its morals, like its intellect, are vigorous in type. Its social life is pure. Over this fair and abounding clime, in an evil hour, the fell spirit of sectional discord brought the sweep of the hurricane breath of war. The earthquake jar of contending hosts shook its hills, and its plains ran red with the blood of its slaughtered people. After the desolation had spread far and near, the plague of war was stayed. Its smoke lifted from the battle-fields of its strife, and it was seen that the fair and fruitful land which, four years before, had entered the arena of the conflict almost a paradise of love and plenty, was no more. There stood in its place a charred and desolate land—a land riven by the bolts of war, drenched in blood, and filled with dead men's bones. Myriads of its noblest sons had gone down to the red burial of the brave on the battlefields of the strife, or perished by the varied casualties of war. Widowhood and orphanage filled its habitations. In every household there was gloom, in every heart a grief. A fatal blight had fallen upon all its material interests and pursuits. Its fields were desolate, its villages waste, its proudest cities in chains. All but the fragments of its wealth, the virtues of its women, and the heroic resolves of its men to bear and to conquer an adverse fate, had perished. To this sorrowing and stricken land there came from a benignant Government, voices of encouragement and words of cheer. Its people were invited to a political resuscitation under a new order of things, and to seats in the family circle of the nation. Accepting the summons, they have beaten their swords into ploughshares, and their spears into pruning-hooks. To every requisition of the Government they have yielded a full and unreserved obedience. Acquiescing in all the results of the war as final and conclusive upon them, both in honor and in fact, they have ratified the sternest issues of the struggle by pulling down their social and industrial fabric, and laying its corner stone on the foundation of a new and, to them, an untried polity. They have modified their organic laws, and helped to modify the organic law of the nation, adapting them to the new order of things. They know no other purpose, they cherish no other resolve, than to be true to their plighted word with the nation, and henceforth loyal to its flag and obedient to its laws. That the former relations with the Union of their fathers might be restored, they have, in compliance with express invitation from the National authorities, reorganized their State Governments, and chosen representatives to both branches of Congress. Some of those representatives are now in this city. More of them were present in the Capitol halls on the day Congress opened its session. They stood and knocked at the door of the family mansion of the Republic, demanding, as their family birth-right, admission to its fireside, and participation in the hospitalities of its board. The door has been shut in their faces. With a grief too deep for tears, many of them have already gone, and soon all of them will go back to their wronged and trampled people, to tell the tale of the scornful rejection of the proffered hand of family reunion. Upon the heart of that people, brave and noble as they are, will

descend a sorrow too deep for utterance—sorrow for their desolate homes, sorrow for their wasted land, given over again, and for how long they are unable to know, to the ravages of a peace that is war in all but the name. But their grief will be accompanied by no unmanly repinings. From it there will spring no revolt in their outward allegiance, no appeal to the sword as the avenger of their wrong. Their purpose in that regard is “nominated in the bond” of their honor, and that bond they will keep inviolate forever. But from the agents who merely hold the keys, and occupy by permission the family mansion of the nation, they will appeal to the principals of these agents, to the real owners of the mansion—the people, the whole people of the United States of America. The decision which they will render in the case may be collected even now from their antecedents and character. It comes in the prophetic utterances of the popular wish, which reach this city from far and near through the land. It is syllabled in voices from the pulpit and the hustings. It is heralded by that portion of the press that is conservative in character and National in spirit. Its solemn tones echo even now along the Capitol halls of the nation, thundering in the ears of the representatives of the people, if they would but hear them, the mandatory words that the children of the National household, erring even though they might have been, but now reconciled and forgiven, must not be shut out from the fireside and the hospitalities of the common family mansion.

If, in obedience to this yet unpronounced, but sure-coming decision of the American people, or upon the justice and the right of the case itself, the doors of that mansion shall yet be opened to the representatives and the people of the South, it requires no vision of the prophet to foresee that a new era of progress and good feeling will soon begin to run its golden cycles in these occidental climes. From the summit of the National Ararat, on which the ark of the Constitution, freighted with the precious interests of the country, rested on the subsidence of the bloody deluge of war, a reconciled and mighty people will come down and fill all the borders of the land with the hum of industry and the activities of a busy and prosperous national life. Arts and sciences will flourish under the patronage of extended appreciation and abundant rewards. A thriving commerce will whiten every sea with its canvas, and visit every port with its exchangeable values. Revived manufactures and resuscitated agriculture will pour a ceaseless tide of wealth into the lap of the nation. The men of the North and the men of the South, standing beneath the folds of the same starry flag, will vindicate its honor and maintain its supremacy on every land and every sea of the habitable globe. A nation, mightier and more prosperous than any the sun looks down on in its circuit through the heavens, will fill the earth with the renown of its arts and its arms, and prove, by the stability of its order, the supremacy of law and the permanence of free institutions, that man is indeed competent to the great work of governing himself.

Who, Messrs. Editors, would not anxiously covet the opportunity of aiding in the accomplishment of results so auspicious as these? That opportunity is presented to the members of the present Congress. Should they embrace it, and thus aid in harmonizing the discords and restoring the unity of a great people, they will have accomplished enough of fame for themselves and of good for their country. In days to come, when the great Republic of the West, blessed and it may be, preserved by their ministry of reconciliation, shall have become, even more than it is now, the wonder of the world, they will be able to point to it with pride, and claim that they had themselves contributed much to its preservation and no little to the sum of its glory and renown. That will be a reward above all Greek, above all Roman fame.

My task, Messrs. Editors, is done.  
*Washington City, December 18, 1865.*

MADISON.

Had the fair and equitable views and Constitutional arguments so ably presented, by Mr. Taylor, been permitted to influence the action of Congress in measures of justice to the South, there would have been no *assumed* necessity for bayonets, or military tribunals,

or for any harsh legislation, to preserve public order. The State Governments would have settled down harmoniously to the work of recuperation, and all, by this time, would have been peace and prosperity.

The reputation of Mr. Taylor as an orator and writer was not confined to his own State. He was invited to deliver an address before the literary societies of Washington and Lee University, Lexington, Virginia, and on Commencement Day, June 22, 1871, he appeared before the great audience assembled on the occasion. His theme was: "The Lee Monument; or a plea for the conversion of Washington and Lee University, by the people of the South, to constitute their final and crowning monument to the memory of General Robert E. Lee." This very able and eloquent address has been published by the request of the Literary Societies, the Alumni Association, and the Board of Trustees, in a pamphlet of 52 pages, handsomely printed in Baltimore. It is a production which justly ranks him among the finished scholars of the country.

Mr. Taylor now resides at Tuskaloosa, his chief employment being that of editor of the "Times," a paper which has been established in lieu of the "Monitor," and "Observer," which have been merged under his direction. He is in the vigor of life, with culture and talents of a very high order. As President of the Board of Trustees of the Southern University, an institution at Greensboro, under the patronage of the Methodist Episcopal Church, South, Mr. Taylor has the opportunity of doing much for the cause of education; and it is hoped that his labors and influence will be attended with the happiest effects. No citizen of Alabama is more respected.

ABRAHAM JOSEPH WALKER was born in Davidson county, Tennessee, eight miles from Nashville. His ancestors were among the early settlers of the country, and his educational opportunities were of the very best character. He graduated at the Nashville University in 1838, when in his nineteenth year. He then taught school two years; after which he studied law in the office of John Trimble, Esq., of Nashville, and in the Fall of 1841 he obtained license to practice law.

Soon afterward he came to Alabama, and wandered through the State for sometime, and ultimately settled at Jacksonville, then Benton county, (now Calhoun,) about the first of January, 1842, without money or friends. He paid his board the first year by teaching a class in Latin and Greek, and the higher branches of mathematics. He persistently studied his profession, and progressed slowly in the acquisition of a practice.

In 1845, he was elected to the House of Representatives, and

served through the ensuing session of the Legislature. As a matter of principle the Democratic party, to which Mr. Walker belonged, had refused to accept the share of the sales of the public lands to which Alabama was entitled under the act of Congress, and at the session of 1845, Mr. Garland, of Franklin, introduced a bill to accept it, which was warmly supported in a speech by Mr. Walker, probably his first effort, wherein his great abilities were displayed in the Capitol. His course was severely criticised by Mr. Hubbard, as a departure from the Democratic faith; and although the bill failed at that session, it subsequently became a law in a Democratic Legislature.

In 1848, he was on the Electoral Ticket for Cass and Butler, and canvassed the District with the Hon. Samuel F. Rice, his competitor, who supported Taylor and Fillmore for President and Vice-President of the United States. In 1851, Mr. Walker was elected to the Senate. In 1852, he removed to Talladega, where he formed partnership, in the practice of the law, with John T. Morgan, Esq., in which relation he continued until 1854, when he was elected Chancellor of the Northern Division. In December, 1855, he was elected Judge of the Supreme Court to fill the vacancy caused by the resignation of the Hon. William P. Chilton, and was sworn into office on the first of January, 1856. On the 25th of January, 1859, he was appointed Chief Justice of the Supreme Court, on the resignation of Judge S. F. Rice. At the expiration of his term of six years, he was reelected Judge of the Supreme Court.

In 1865, under the reorganization of the State Government in pursuance of President Johnson's proclamation, Chief Justice Walker was again elected Judge of the Supreme Court, in which office he continued until superseded by the reconstruction measures of Congress, in July or August, 1868, since which time he has been quietly and successfully pursuing his profession in Montgomery, where he now resides.

By the appointment of Gov. Patton, Judge Walker compiled the present Code of Alabama, a labor for which he was eminently qualified. His legal abilities are beyond question, which with his great industry and success, constitute an honorable record. He supported the measure of secession, in 1861.

[NOTE.—The sketch of Judge Walker was written in 1871. He died of heart-disease, at Montgomery, April 25, 1872, much regretted by the public.]

## CHAPTER XXVI.

*Session of 1847—Reception of Generals Shields and Quitman—Senatorial Contest—Judicial and State-House Elections—Sketches of Character.*

The year 1846 was a singular one in the political annals of Alabama. There was no State election on the first Monday in August—the first omission of the kind in the history of the State. There were no candidates, consequently there was no excitement, and in this respect the people remained perfectly quiet.

But there was an event, however, which stirred the public mind deeply in Alabama, in common with the whole people of the United States. Of course I mean the Mexican war, which was inaugurated in the Spring of 1846, and which, as its results, secured California and New Mexico—with their great appendages, financial, commercial, and political—as an acquisition to the United States, by military conquest. For his gallantry and success as a commander in this war, the people made General Zachary Taylor President of the United States. Of that war, and its ultimate consequences, whether it was fortunate or calamitous to the whole country, the writer does not assume the office to judge, and therefore he has but little to say. That whole matter belongs to the historian. In respect to it, however, the reflection may be indulged, that while these immense territorial possessions brought to commerce and general enterprise an enlarged basis, in the hands of the people and Government of the United States, this territorial question proved the political Pandora's Box, from which came the sectional strife that moved in the disintegration of the Union, and in the war of 1861-'65, between the States. What was apparently a blessing at the time, in the acquisitions from Mexico, has proven quite otherwise in the results which followed, if human suffering be indeed a cause of regret. By this remark, no unfriendly imputation is intended against those who declared the war of 1846-'48, with Mexico, nor against the Federal administration by which it was directed and supported.

There being no State elections in Alabama in 1846, no candidates, no stump speaking, no ballot-box for the reception of votes as had annually been the case since 1819, there was a general calm in the political elements, and the people, in the meantime, were left at home, free to pursue their avocations and interests at

pleasure; to plant, to cultivate, and to harvest their crops; and were as well off in the absence of elections and sessions of the Legislature, as when these privileges occurred annually.

The old Capitol, at Tuscaloosa, was still occupied by the Executive and State officers, and by the Supreme Court, awaiting the completion of the new building, rapidly going up at Montgomery. The Spring of 1847, brought signs of political life, and preparation for the biennial elections to come off in August. The first step of a marked character was a Democratic State Convention, called at Montgomery, in May, to nominate a candidate for Governor. That Convention, after a good many fruitless ballotings, and some political maneuvering, of little avail, adopted a resolution offered by Col. James E. Belser, declaring the Hon. Reuben Chapman the choice of the Convention for Governor; and having done this, it adjourned.

Gov. Martin was before the people for reëlection on his own merits, and it was generally expected that another internecine political war in Alabama would ensue. Many of the people were preparing to take part in the contest, and others to look on as disinterested spectators. The candidates were arranging to take the field and rally their forces, when Captain Nicholas Davis, of Limestone, was announced by authority as the Whig candidate for Governor. This gave a new feature to the campaign. The Whig leaders were dissatisfied and unwilling to support either of the candidates, who were both Democrats, and wisely concluded to fall back upon their principles. Captain Davis was a favorite with his party, and was likely to receive as many votes as any other member of it, as was no doubt the case, as the result showed. Gov. Martin was not long in determining his course. His continuing in the field would have hazarded the success of both himself and Mr. Chapman, and, in deference to the action of the Convention, and because Mr. Chapman, as its nominee, was supposed to represent more fully the principles and wishes of the Democratic party, Gov. Martin promptly withdrew his name as a candidate, and the contest regularly assumed a party shape, resulting in the election of Mr. Chapman by a majority of 6,255, out of a total vote of 53,189 in the State. The popular vote was small, comparatively. The election of members to the Legislature gave to the Democrats a majority in both branches, as usual.

The election of members to Congress resulted in the success of the Democratic candidates, except in the Mobile District, where Gov. Gayle, Whig, was elected over John T. Taylor, Democrat; and in the Montgomery District, where Mr. Hilliard was reëlected without opposition.

HON. JOHN GAYLE, a South Carolinian, came to Alabama when a young man, and cast his lot among the people of the Territory, as a practising lawyer. He soon began to rise in public favor, and was advanced to honorable positions, as the records of the Legislature, the Circuit and Supreme Court will show. The judicial offices which he filled were the highest in the State, except the office of Governor, to which office he was elected by the people in 1831 and reelected in 1833, after having been Speaker of the House of Representatives.

His administration of the Executive office was faithful and energetic. In 1835, some appearance of difficulty with the Creek Indians caused President Jackson to send a military force to Alabama, rather, it is believed, to hold the Governor in check, from executing his policy, than to prevent the disturbances. At all events, the messages of Gov. Gayle to the Legislature were so decided in their State Rights tendency, and his opinions in other respects so freely avowed, against the interference of the President, that the latter was induced to send Francis S. Key, Esq., as a Special Commissioner to Alabama, in order to settle the points in controversy. The author of the "Star Spangled Banner" arrived at Tuscaloosa, on his mission of peace, and after a brief correspondence and consultation with the Governor, the cause of complaint was removed, and good feeling happily restored. While in Alabama, Mr. Key addressed a beautiful poem to Mrs. Gayle, as a personal compliment, which was published and greatly admired.

Whilst discharging the duties of his high office, Gov. Gayle was cheered by the fact that prosperity was general among the people, and that few or no complaints existed as to his policy or measures. Perhaps the greatest objection laid to his charge was the too free exercise of the pardoning power. If this were truly an error, it was impossible for him to avoid it, as nature had given him a warm sympathizing heart, which was easily touched by human sorrow, and by all forms of distress. This trait of character prevailed throughout his life, in all situations, public and private, even to such extent as to impair his own fortunes by too much generosity.

Soon after the term for which Gov. Gayle was elected to Congress expired, a vacancy occurred in the office of Judge of the United States District Court, by the death of the Hon. William Crawford, which was filled by President Taylor, by the appointment of Gov. Gayle to that honorable position. The latter continued to hold the office, and to administer its duties with ability, and to the satisfaction of the public, until his death in 1858.

In early life, Gov. Gayle married Miss Ainsworth, of Clarke county, a lady of rare talent and accomplishments, who dispensed the hospitalities of his mansion, at Tuscaloosa, while Governor, with a dignity and grace never surpassed. But she was not per-

mitted to see the end of his term; for, having an operation performed on her teeth, it resulted in lockjaw, of which she died, universally regretted by the people of the State. She was a general favorite, and admired by all for her many shining virtues and talents which adorned social life. Some of her descendants still live in the State.

The eldest daughter of Gov. Gayle (Sarah) married Dr. William B. Crawford, a leading physician of the State. He died in Malaga, Spain, in 1853. His widow resides in Mobile. The second daughter, Amelia, married Gen. J. Gorgas, the distinguished Chief of Ordnance of the late Southern Confederacy. He is now Acting Vice-Chancellor of the University of the South, at Sewanee, Tennessee. The third daughter, Mary, married Gen. Hugh Aiken, of South Carolina, who commanded a brigade in Hampton's Cavalry, and was killed at the head of his brigade, March, 1865, near Camden, South Carolina, resisting Sherman's march through that State. The fourth daughter, Maria, married Thomas L. Bayne, Esq., a lawyer of New Orleans. The sons, Dr. Matthew Gayle, resides in Alabama, and Captain Richard H. Gayle is a citizen of New Orleans. All these were by the first marriage. Of the second family of children, no information has been obtained, except that the last daughter, Helen, married James W. Locke, Esq., of Hale county.

The second wife of Gov. Gayle was Miss Peck, of Greenvboro, with whom he lived in great happiness. Indeed, all who came within his influence, either in the domestic relations, or in any other sphere, were made happy by his pleasant manners and disposition. In his day, Gov. Gayle was one of the best speakers and writers in the State. His person was tall, and his address peculiarly graceful. But amiable and gifted as he was, he possessed an infirmity which it would be uncaudid to conceal, as I have frequently referred to it in others, with the hope of doing good to young men who have their fortunes to establish. The social nature of Gov. Gayle, and the common usages of his day, betrayed him into habits of intemperance, which, although not of an extreme character, formed something of a barrier to his public usefulness, and to his personal happiness.

JOHN T. TAYLOR, who was defeated, in 1847, by Gov. Gayle, for Congress, was of course the candidate of the Democratic party. He had been a merchant, and failing in business, like many others of his time, he studied law, and entered upon the practice in Mobile. Although commencing late, comparatively, he has succeeded well in his profession. He was several times elected a member of the House from Mobile, and established a good reputation as a legislator. His habits of close application, secluding him, in some

degree, from social enjoyments, have well compensated him in the very respectable rank he maintains at the bar. He still resides in Mobile, in the practice of the law.

#### STATE ARCHIVES.

In October, 1847, the Secretary of State received notice from Judge Nimrod E. Benson, Mayor of the City of Montgomery, that the new Capitol Building would be ready by the 1st November, for examination by the Commissioners, (Miles W. Abernathy, George Steele, Daniel Pratt, Johnson J. Hooper, and John K. Collins, Esqrs., elected by the Legislature,) who had been notified to meet in the discharge of their duty, and that upon such examination the key to the Capitol and title to the property upon which it was erected, dedicating it to the State, free of charge, would be ready; therefore the Secretary repaired to Montgomery, and received, on the part of the State, a compliance with the law for the removal. This was fully performed by Judge Benson, the Mayor, and Col. Charles T. Pollard, Chairman of the Building Committee. The title papers were referred for legal examination, and reported sufficient. The key of the great front door was used in locking and unlocking, and therefore the result was announced, and reported to the Governor, after which the law for removal declared the Seat of Government was, to all intents and purposes, removed.

No time was to be lost in transferring the archives, to be ready for the assembling of the Legislature, the 6th of December, less than a month. This, however, was accomplished by industry. On or about the 20th of November, the archives, records and papers of the Executive and State Departments, and Supreme Court, had been packed up in 113 boxes, and loaded in 13 wagons; and this train, under the control of James H. Owen, the Door-Keeper of the House of Representatives, moved off in the direction of Montgomery. The cargo in weight was 26,704 pounds. Without accident, the whole train, in due time, arrived at Montgomery, and the archives deposited in their appropriate rooms. The entire cost of the removal of these archives from Tuscaloosa to Montgomery, was \$1,325, which was paid by Col. Pollard, Chairman of the Building Committee.

#### LEGISLATURE.

The Legislature met in the new Capitol on the 6th day of December, 1847; and the novelty of the occasion, together with greater facilities to reach the Seat of Government, brought together an immense concourse of people—more visitors than I ever saw before or since at a meeting of the Legislature. The hotels

were crowded to inconvenience, private boarding houses were increased and thronged, and every avenue to the Capitol presented, at all hours of the day, a stirring multitude. Candidates for the various offices were as thick as blackbirds in a fresh plowed field in Spring.

The attendance of members of the two Houses was large. In the Senate, nearly every one was present, and in the House 94 out of 100 answered to the call. John A. Winston, of Sumter, was elected President of the Senate, without opposition; Jennings F. Marrast, Secretary; Wilson M. Kidd, Assistant Secretary; and A. R. Thomas, Door-Keeper.

In the House, Gen. Leroy Pope Walker, of Lauderdale, and Col. Felix G. Norman, of Franklin, were placed in nomination for Speaker. The vote stood: for Mr. Walker, 60; Mr. Norman, 8; Mr. Robert Jemison, of Tuscaloosa, 8; Mr. Elisha Young, of Marengo, 14; Mr. Walter H. Crenshaw, of Butler, 1; and Mr. B. F. Porter, of Tuscaloosa, 1. So Mr. Walker was elected Speaker. A. B. Clitherall was elected Principal Clerk; T. F. Samuels, Assistant Clerk; William J. Greene, Engrossing Clerk; and James H. Owen, Door-Keeper.

The two Houses being organized, the message of Governor Martin was transmitted to the two branches of the General Assembly on the second day, which was read and laid on the table, and ordered to be printed.

This document occupies about sixteen pages of the printed Journal of the House, and the business portions of it refer mainly to the Banks, the domestic and foreign debt of the State, the 16th Section Fund, a system of revenue and taxation, a proper system of public education, the affairs of the University, the disputed boundary between Georgia and Alabama, the condition of the Penitentiary, and the war with Mexico. As it was the only opportunity which Gov. Martin had of presenting the part he acted, in his official character, the portion of his message relating to the war is given entire, as follows:

Since the last session of the General Assembly a war has been declared to exist between the United States and the Republic of Mexico, and requisitions have been made by the President upon Alabama for troops for its prosecution. The first requisition was made in May, 1846, for "one regiment of volunteer Infantry or Riflemen," to serve for the term of twelve months. This force was supplied in June of the same year. In a short time thereafter I was requested by the War Department to raise five companies of the same description of troops to be held in readiness to enter the service of the United States when called for. This request was complied with, and duly reported; the troops, however, have not been called for by the Government.

Before any requisition was made upon the State for troops, at a time when it was reported that the small force constituting the army of occupation on the Rio Grande, under the command of General Taylor, was in imminent danger from the large number of the enemy in its neighborhood, three companies of patriotic citizens, commanded by Captains Desha, Elmore and Platt, respectively, without

delay, marched to its *supposed* relief. About the same time, and induced, doubtless, by the same report, I received a communication from General Gaines, then commanding the Southern Division of the United States Army, suggesting the propriety of recommending to our "Young Chivalry" to raise and organize volunteer companies in anticipation of a call which was expected to be made upon the State for troops by the President, in order to be able promptly to respond to it. Approving the course suggested, I issued a proclamation accordingly, but at the same time carefully guarded against any procedure of the companies which might be raised without my further orders.

The excitement that prevailed at that time throughout the country was such as to induce a large number of volunteer companies to proceed to the city of Mobile without my order, where they were received and mustered into the service of the United States by the order of General Gaines, to serve for the term of six months. One regiment was organized, and elected their field officers; and six additional companies were received as a part of a second regiment. I had no farther connection with this procedure than to commission the officers. Entertaining fears that the course of General Gaines in regard to these troops might not meet the sanction of the President, and feeling anxious that our patriotic citizens thus engaged should not be disappointed, apprehending too, that injurious consequences would follow their discharge, in future efforts to raise a volunteer force in this State, I addressed a communication to the Secretary of War, urging their acceptance—describing the high quality of the troops, and the patriotic motives by which they were governed—adverting also to the consequences which would probably follow their rejection.

Before the reply of the Secretary of War reached me, I received a communication from that Department, which rendered it necessary that I should disband this force, which I proceeded to do without delay, as it was clear from this communication that the troops could not be received. Having proceeded without authority of law, there was no provision for paying those troops, which rendered their condition extremely unpleasant. In order to relieve them as far as possible, I caused the discharge of each man to be so framed as to embody all the facts which might be necessary to secure the benefit of such provision as should thereafter be made by Congress for their compensation, for I did not doubt but that provision would be made. With these, I was enabled to relieve them from embarrassment, and to afford the means of conveyance for each to the neighborhood of his home. My expectations were soon after realized in regard to the action of Congress in the premises. Provision was made for the compensation of these troops, and the whole matter was adjusted to the satisfaction of all concerned, as I have been informed.

Four companies of the regiment mentioned, under the command of Lieutenant-Colonel Raford, had embarked for Point Isabel, before the receipt of the communication referred to. Fearing that aid might become necessary to them, I dispatched Maj. Sanford, of General Smith's staff, to make such provision for them as might be required. I am happy to be able to say, however, that no difficulty was encountered by them requiring the assistance contemplated. These companies were sent back by the Government to Mobile, where they were discharged, and returned home. The important aid afforded me in the management of this difficult and painful subject by Gen. Walter Smith, and his staff, entitle them to my gratitude and thanks.

Early in May last, a further requisition was made by the President on this State for troops to the extent of one company of mounted volunteers, and five companies, or one battalion, of infantry, to serve during the war with Mexico. This call was made known to our citizens by a proclamation dated on the 6th day of May, 1847, in which they were requested to respond to it promptly. In a very short time thereafter, the company of mounted volunteers was furnished. I was not so fortunate in regard to the infantry requested. Having failed to obtain a single company, on the 30th day of September last I published a second proclamation, in which I urged upon our citizens the importance of supplying the force called for by our country. I ascertained in a short time that unless the necessary expenses to be incurred in raising and subsisting the troops were pro-

vided for, no effort which I could make would be successful. In consequence of which, and in order to preserve the honor and standing of the State, which I felt to be deeply involved in the success of my efforts, on the 14th of October last, I published an address to the people, in which I undertook to provide for the expenses mentioned, with the funds of the State. The result of this course has been the accomplishment of the great object sought.

The five companies of infantry called for have been tendered me, and accepted, two of which have been mustered into the service of the United States, and the other three are *en route* to Mobile, the place of rendezvous for muster. The expenditures which have been made, so far as they have been certified to me, have been paid out of the contingent fund, which will be reported to you by the Comptroller. I have endeavored to observe throughout, proper economy in the application of this fund to the object mentioned. My instructions to the agents who have disbursed the funds have been to require proper vouchers for the claims certified for payment, which I presume have been strictly observed. I entertain no doubt, from the past course of Congress on like occasions, that, upon proper application, the amount expended, or most of it, will be refunded. And I submit to you the propriety of making such application.

I made the expenditures mentioned, under a full knowledge that my power to do so was of questionable character—and that my course involved great responsibility. I could not have been induced to pursue such a course upon an ordinary occasion. I trust, however, that I shall never see a time when I will hesitate to maintain the honor of the State at any hazard. I have acted in good faith, for the best interest of the State, in view of the emergency presented, and I submit my procedure on this subject, with confidence, to the Representatives of the people.

The two Houses contained a good amount of experience and talent. Many gentlemen who had been long connected with one or the other of these bodies, were returned, and several young men entered the House for the first time as members, who were destined to occupy a large space in public affairs. The principal Committees of the Senate were headed by Chairmen as follows:

- On the Judiciary, Mr. McClung;
- On Education, Mr. Beckett;
- On Propositions and Grievances, Mr. Abercrombie;
- On Accounts, Mr. Creagh.

In the House, the important Committees had Chairmen thus arranged by the Speaker:

- On the Judiciary, Mr. A. B. Cooper, of Monroe;
- On Federal Relations, Mr. Walker, of Mobile;
- On the State Bank and Branches, Mr. Scott, of Jackson;
- On Education, Mr. Norman, of Franklin;
- On Ways and Means, Mr. Jemison, of Tuskalooza;
- On Internal Improvement, Mr. Porter, of Tuskalooza;
- On the Military, Mr. Jackson, of Autauga;
- On Accounts, Mr. Kittrell, of Greene.

On Friday of the first week, the two Houses convened in the Representative Chamber, to count and compare the votes for Gov-

ernor, at the last election, as presented in the official returns from 42 counties, of which the following is a statement:

| <i>Counties.</i> | <i>Reuben Chapman.</i> | <i>Nicholas Davis.</i> |
|------------------|------------------------|------------------------|
| Autauga.....     | 492                    | 520                    |
| Baldwin.....     | 182                    | 173                    |
| Barbour.....     | 700                    | 1002                   |
| Benton.....      | 1528                   | 584                    |
| Bibb.....        | 541                    | 416                    |
| Blount.....      | 754                    | 112                    |
| Butler.....      | 295                    | 699                    |
| Chambers.....    | 768                    | 1263                   |
| Cherokee.....    | 1149                   | 468                    |
| Clarke.....      | 602                    | 223                    |
| Conecuh.....     | 333                    | 393                    |
| Coosa.....       | 937                    | 487                    |
| Covington.....   | 87                     | 208                    |
| Dallas.....      | 704                    | 839                    |
| Dale.....        | 497                    | 262                    |
| DeKalb.....      | 795                    | 231                    |
| Fayette.....     | 911                    | 245                    |
| Franklin.....    | 1009                   | 523                    |
| Greene.....      | 686                    | 1004                   |
| Henry.....       | 481                    | 362                    |
| Jackson.....     | 1732                   | 114                    |
| Jefferson.....   | 609                    | 286                    |
| Lauderdale.....  | 870                    | 641                    |
| Limestone.....   | 730                    | 494                    |
| Marengo.....     | 548                    | 814                    |
| Marion.....      | 689                    | 183                    |
| Marshall.....    | 879                    | 219                    |
| Mobile.....      | 1284                   | 1117                   |
| Monroe.....      | 353                    | 536                    |
| Montgomery.....  | 821                    | 1136                   |
| Morgan.....      | 466                    | 526                    |
| Perry.....       | 841                    | 900                    |
| Pickens.....     | 1035                   | 1039                   |
| Pike.....        | 731                    | 927                    |
| Randolph.....    | 846                    | 414                    |
| Russell.....     | 681                    | 818                    |
| St. Clair.....   | 661                    | 51                     |
| Shelby.....      | 459                    | 529                    |
| Sumter.....      | 918                    | 1020                   |
| Talladega.....   | 902                    | 832                    |
| Walker.....      | 519                    | 243                    |
| Wilcox.....      | 597                    | 594                    |
| Total.....       | 29,722                 | 23,467                 |

Reuben Chapman having received a majority of all the votes cast for Governor, at the late general election, as appeared from the said official returns, Mr. Speaker declared him to have been duly and constitutionally elected Governor of Alabama for the term of two years. And then the Senate withdrew to their chamber.

The returns from the other seven counties either had not been received, or were deemed irregular, so that they were not counted. The majority, however, would not have been much varied by the absent returns.

This table is given complete, to show the relative strength of the Democratic and Whig parties in Alabama, before their organizations were modified by the fusion of other elements, as was the case in 1848 when Gen. Taylor was elected President; also in 1851 when the Compromise and Southern parties were antagonistic, and again in 1855 when the American or Know-Nothing party took the field, to the utter absorption and disbandment of the Whigs as a distinct, and once powerful organization, in the politics of the country.

A joint Committee of Arrangements was appointed, consisting of Messrs. Storrs, Manning, Davis, Coggin and Judge, on the part of the Senate, and of Messrs. Jackson, Young, Wynn, Norman and Perkins, on the part of the House, to prepare for the inauguration of the Governor elect, who, on the 15th of December, reported the following programme of the order of the day:

1st. The two Houses will adjourn at 11 o'clock, A.M., on Thursday next, 16th instant, and form a procession at the Capitol, and in proper order repair to the Montgomery Hall, and receive the Governor elect.

2d. The procession will form in the following order:

1. The Military.
2. The Senate and House of Representatives and officers.
3. Judges of the Supreme and Circuit Courts and Chancellors.
4. Officers of State.
5. Committee of Arrangements.
6. Governor elect and retiring Governor.
7. Chaplain and Clergy.
8. Senators of the United States and Ex-Senators and Ex-Governors.
9. Mayor and Aldermen of the city of Montgomery.
10. Citizens.

3d. The Ceremony of Inauguration, if the weather permit, shall take place in front of the Capitol.

4th. Rev. Basil Manly will act as Chaplain.

5th. Mr. Wilson, of the Senate, Chief Marshal; and Mr. Raiford, of the House, Assistant.

The ceremony of inauguration took place in the Representative Hall, in the presence of a very large concourse in the galleries, in the lobbies, and on the floor of the Hall. Perhaps more than a thousand of the fair daughters of Alabama graced the occasion with their beauty and their smiles. After reading his address in a very calm manner, Gov. Chapman took the oath of office, and was duly proclaimed Governor of the State for the term of two years.

Thus closed the administration of Governor Martin. He had difficulties in his path from the day he set himself against the nomination of the Democratic party for Governor in 1845. Some of these will be noticed under another head. Those relating to the Mexican War are enumerated by himself in his message. Whatever may have been the coldness of his party toward him, Gov. Martin was really a safe and judicious man, with every dis-

position to do right, and to serve his country as a true patriot. Minor differences should be pardoned and forgotten, when the substantial good in his character so far outweighed his imperfections.

At this point it may be remarked, that Gov. Martin left several sons, one of whom, J. M. Martin, Esq., of Tuscaloosa, was Senator from that county at the session of the Legislature 1871, who is a gentleman of great promise in the legal profession, and of usefulness to the State.

#### RECEPTION OF GEN. SHIELDS.

The Mexican War had pretty much run its course. The great battles around the city had been fought, and a peace conquered. Many of the officers who had won laurels in that far-off land, and who had entered the Halls of the Montezumas as victors, were returning on their way to Washington to catch the first acclaim of the people, who were anxious in some way to acknowledge their services. In the early part of the session, two distinguished Generals, fresh from the battle-fields of Mexico, arrived at Montgomery, and were voted a public reception. Gen. Shields came first, and had the cream of the pageant.

There was a very large concourse of people at the wharf to witness the reception of Gen. Shields as he landed from the steamboat. A carriage and four horses had been provided for him, and he was escorted to the Exchange Hotel at the head of a formal procession. The Journal of the House for 11th December, 1847, says:

Mr. Perkins, from the joint committee appointed to make arrangements for the reception of Brigadier-General Shields, [reported that they] have performed the duty assigned them. They have appointed Mr. Wilson, of the Senate, first Marshal; and Mr. Raiford, of the House, second Marshal. They have also appointed Mr. McClung, of the Senate, to deliver to General Shields the welcome of the General Assembly.

The Committee recommend that the two Houses assemble in the Hall of the House, on this day, at 11 o'clock, A.M., for the purpose of receiving their distinguished guest.

The House concurred in the report and adopted the resolution.

Mr. Porter offered the following resolution, which was adopted:

*Resolved*, That the ladies be invited to occupy seats within the bar of the House to witness the reception of Gen. Shields.

At the hour appointed, the Senate came into the Representative Hall, soon after which, Gen. Shields was presented by Marshals Wilson and Raiford, to the President of the Senate and Speaker of the House of Representatives. On the part of the General Assembly, Mr. McClung, of the Senate, delivered an eloquent address, bidding General Shields welcome, to which the latter gentleman made a suitable reply. The Senate then withdrew,

and the members of the two Houses were personally introduced to Gen. Shields.

It is unnecessary to describe the vast multitude present in the Capitol, and the wild enthusiasm which prevailed throughout the ceremonies of reception. During his stay in Montgomery, Gen. Shields received every courtesy, and demonstration of respect and gratitude which it was possible to accord to a successful military man, short of a formal coronation with garlands. A senatorial canvass was in prospect. General Shields was elected a Senator in Congress a short time afterward, from the State of Illinois. That he did not reach the Presidency was owing to no want of conviction on his part that he was qualified for the office.

#### MAJOR-GENERAL QUITMAN.

Another military pageant followed in a few days, on the arrival of Major-General John A. Quitman, from the fields of Mexico, with a high reputation for courage, and skill as a commander. His landing at the wharf, and escort to his lodgings, with other manifestations of popular regard, will not be particularly described here, as it was a mere repetition of that which was extended to Gen. Shields.

On the Journal of the Houses for Saturday, December 18, 1847, the following proceedings appear:

Mr. Young, from the Joint Committee to provide for the reception of Major-General Quitman, reported the following orders of the day—

1st. Adjutant-General Carroll will act as Chief Marshal, assisted by Messrs. Raiford, of the House, and Wilson, of the Senate.

2d. The two Houses will take a recess at 11 o'clock A. M., to enable the Door-Keepers to prepare the Hall of the House of Representatives for the Senate, for the ladies who may be in attendance, and for the reception of General Quitman.

3d. The Joint Committee of Arrangements will proceed to General Quitman's quarters in the city, and attend him to the Capitol, and at 12 o'clock M., they will attend him into the Hall of the House of Representatives, the two Houses being assembled there to meet him.

4th. The members of the two Houses and all within the area, will remain sitting, when the Committee, with General Quitman, enter the Hall, and while they are so sitting, the Chairman of the Joint Committee on the part of the Senate, addressing the President of the Senate, will present General Quitman in the recognized mode of proceeding when the two Houses are met in Convention.

5th. The President of the Senate then rising, will announce in the usual form, that Major-General Quitman is presented to the two Houses of the General Assembly. Whereupon the members shall then rise to their feet, in honor of General Quitman; and Mr. Benjamin F. Porter, in behalf of the General Assembly, bid him welcome in a salutatory address.

6th. The reception and public salutations being concluded, the Senate will withdraw to the Senate Chamber and continue its proceedings.

The above report was concurred in.

The hour of eleven having arrived, the House took a recess.

At the hour of 12 M., Mr. Speaker called the House to order, and the Senate, by invitation, appeared in the Hall of the House for the reception of Major-General Quitman.

Major-General Quitman, escorted by the Joint Committee of Arrangements, then entered the Hall, and was presented by Mr. Manning, of the Senate.

Mr. Porter, on behalf of the General Assembly, then welcomed General Quitman to the State of Alabama, and tendered him the salutations of the General Assembly.

After a response from General Quitman, the Senate withdrew, and the House resumed the consideration of its appropriate business.

Mr. Perkins (by leave,) offered the following resolutions, which were adopted:

*Resolved*, That the consummate skill and indomitable courage of our army in Mexico, entitles it to the gratitude of the whole Nation; its evidences that while life, liberty, and property are protected by our republican institutions with scrupulous exactness, a strength may be put forth to punish injury and insult from abroad by which the National honor and the respect of the nations of the earth, will be perpetuated.

*Resolved*, That while the General Assembly of the State of Alabama, for themselves and in behalf of their constituency, join in the general lamentation caused by the loss of many brave men in the field of battle, and by disease; and heartily sympathising with their friends and relatives, and feeling a common interest in the fame and advantages acquired, take this method of expressing their highest admiration and their warmest gratitude to the Generals in Chief, and all their officers and soldiers, who, under privations, on marches, in camp and hazard in so many well-fought victorious battles, have acquired such accumulated honors, and advantages to our common country in Mexico.

*Resolved*, That the Governor of this State be, and he is hereby, requested to invite Major-General Zachary Taylor, who is now in the United States, to visit this city during the present session of the General Assembly, to meet the hospitalities of our State.

After the reception of Gen. Quitman, at the Capitol, he was escorted in a coach-and-four to the Montgomery Hall, where the hospitalities of the city were tendered him by the Hon. William L. Yancey, in a speech of some length, to which the General replied in quite a felicitous manner. And thus ended the public civilities shown to the two distinguished officers in question.

In a short time thereafter, the remains of Col. P. M. Butler, (Ex-Governor of South Carolina), of Lieutenant-Colonel Dickinson, and Lieutenant Moragne, of the Palmetto Regiment, brave officers who were killed in the battles around the city of Mexico, arrived at Montgomery on a steamboat from Mobile, in their transit to South Carolina for final interment. The Legislature informally adjourned, and its members took part in the large procession of citizens which followed the honored dead from the boat, a mile, to the railroad depot, where an appropriate address was delivered by the Hon. B. F. Porter, as the remains were deposited in the cars, in charge of Captain Blanding and two or three Lieutenants of the Regiment, who had accompanied them from Mexico as a guard of honor.

#### PACIFIC RAILROAD.

In the course of the session, Mr. A. Whitney, a large capitalist of New York, arrived in the city, and pursuant to a resolution, a committee conferred with him in relation to his projected Railroad

to the Pacific, through the territory which had just been acquired from Mexico. In compliance with a resolution of invitation, Mr. Whitney delivered a public address in the Representative Hall, unfolding his scheme, with a clear and simple statement of the practicability, necessity and advantages of this great national work. He predicted its accomplishment, but did not live to see fulfilled, in 1868, at so early a day after the acquisition of the territory, what twenty years previously he had predicted. At the time Mr. Whitney was traveling through the country, addressing the people at large commercial points, in favor of an enterprise which he was the first to propose and advocate publicly, most people regarded him as a mere intelligent dreamer, wise enough to make a few millions of dollars in the Stock Exchange of New York, and as an importer of foreign goods, or as a speculator in real estate, but certainly not competent to execute what nature had decreed to be *impossible!* The official report of Captain Fremont, of his expeditions across the Rocky Mountains, in 1842-3, had not encouraged the belief that such a road could ever pass these formidable barriers. Yet it has been done, and persons now travel from the city of New York, 3,000 miles by railroad, to San Francisco, on the shores of the Pacific, in eight days. After this achievement of capital, and engineering science, who will venture to say that anything is impossible, through the same agencies? Even the pride of England might be overcome by the like *argument*, and the resolution offered in Congress by Gen. McConnell to annex Ireland to the United States, might become a veritable, breathing reality, full of strength and resuscitation!

#### SENATORIAL ELECTION.

A very warm contest, usual enough in name, but somewhat singular in the features it then presented, was decided by joint vote of the two Houses, during the first week of the session. The facts were these.

Col. William R. King, elected Senator in Congress from Alabama, in 1819, had held his seat continuously in that body for twenty-five years, until 1844, when, being appointed Minister to France, he resigned. The Governor filled the vacancy by issuing a commission to the Hon. Dixon H. Lewis, who was then, and had been for many years, a Representative in Congress from the Montgomery District. After residing abroad several years in his diplomatic character, Col. King returned, and his friends were very anxious to restore him to his old place in the Senate, which he had so honorably filled. In the meantime, Mr. Lewis had established a high character in the Senate, and, having surrendered his position in the House of Representatives, he was unwill-

ling to throw himself entirely out of Congress, which was the field of his public usefulness, and of his ambition. Hence, a competition, from the force of circumstances, between these two distinguished citizens, seemed unavoidable. Their respective friends went to work accordingly, for a trial of strength in the Democratic party, where the two gentlemen stood unimpeached and unimpeachable for fidelity to its principles.

The Whig members, seeing the division among their opponents, imagined it *possible*, though a result not to be reasonably expected, that they might secure the election of the Hon. A. F. Hopkins, their great Whig leader in the State, and determined to announce him as a candidate, on whom they might at least bestow their votes as a compliment, without interfering with the Democratic fight, which, indeed, they had no motive or desire to ameliorate. On Saturday, December 11, 1847, the two Houses convened for election, when the Hon. William R. King, the Hon. Dixon H. Lewis, and the Hon. Arthur F. Hopkins were placed in nomination, and the ballots began, and lasted two days. The following statement will show with what tenacity the friends of each adhered to their favorite in the contest:

| <i>Ballots.</i>   | <i>King.</i> | <i>Lewis.</i> | <i>Hopkins.</i> |
|-------------------|--------------|---------------|-----------------|
| First .....       | 34           | 50            | 48              |
| Second .....      | 34           | 50            | 48              |
| Third .....       | 33           | 50            | 49              |
| Fourth .....      | 32           | 51            | 48              |
| Fifth .....       | 31           | 50            | 48              |
| Sixth .....       | 30           | 53            | 49              |
| Seventh .....     | 27           | 56            | 40              |
| Eighth .....      | 27           | 56            | 49              |
| Ninth .....       | 26           | 58            | 48              |
| Tenth .....       | 26           | 64            | 43              |
| Eleventh .....    | 25           | 61            | 47              |
| Twelfth .....     | 28           | 58            | 47              |
| Thirteenth .....  | 27           | 56            | 47              |
| Fourteenth .....  | 28           | 58            | 47              |
| Fifteenth .....   | 28           | 55            | 47              |
| Sixteenth .....   | 23           | 62            | 47              |
| Seventeenth ..... | 22           | 66            | 45              |
| Eighteenth .....  | *            | 82            | 45              |

\* Withdrawn.

A majority of all the votes cast having been given to Mr. Lewis, he was declared duly elected a Senator of the United States for a term of six years. As this was his last appearance on the arena of a political contest, I subjoin a brief sketch of his character and public services.

DIXON HALL LEWIS was born in Hancock county, Georgia, in the year 1802, and completed his education at Columbia College, South Carolina.\* He came to Alabama while yet in his minority; and I have been told by one who was present and knew, that, at the State election in 1823, the vote of Mr. Lewis was challenged and rejected, in Autauga county, on account of age—he lacking ten days of completing his twenty-first year. He then weighed three hundred and thirty pounds.

In 1825, 1826, and 1827, he was elected to the Legislature from Montgomery, and from the first was a leading member in its counsels. In 1827, he made a report in the House on the relation and policy of the State toward the Indian tribes within its territorial limits, which at once established for him a high position as a legislator, and no doubt exerted its influence in the removal of the remaining tribes from the State.

In 1829, then in his twenty-seventh year, Mr. Lewis was elected a Representative in Congress, where he continued, by successive elections, until he was transferred to the Senate of the United States in 1844. He belonged to the State Rights school of politicians, and followed his convictions with a firmness that knew no faltering. In Congress he exerted a powerful influence with his party, of which he was for years the acknowledged leader in Alabama. This party was composed of many of the first men in the State for independence and weight of character. Approving the policy of Mr. VanBuren in 1837, for the separation of the Government from the Banks, and for the establishment of the Independent Treasury, in the safe-keeping and disbursement of the public money, Mr. Lewis gave earnest support to his administration, and was thenceforth in full alliance with the Democratic party. Many of his old political friends went with him in this direction, while others refused, and fell into the Whig party.

At the meeting of Congress in 1839, Mr. Lewis was supported for Speaker of the House of Representatives, and came within a few votes of an election. He was very much opposed to a protective tariff, and rarely permitted an occasion to pass without making a speech against the policy. His principles were set forth in the Platform Resolutions adopted by the National Democratic

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\*While at the Mount Zion Academy, under the direction of the Rev. Nathan S. Beeman, Mr. Lewis was considered a bright youth, of great intellectual promise, but not a very close student. He seemed to acquire knowledge as if by intuition. Among his schoolmates were the Hon. A. H. Chappell, since a Representative in Congress, and President of the Georgia Senate; the Hon. Charles J. McDonald, Governor of Georgia, and Judge of the Supreme Court; the Hon. Walter T. Colquitt, who served both in the House of Representatives and in the Senate of the United States, and the Hon. Robert Jemison, who for many years was a prominent member of the Alabama Legislature, and afterward a Senator of the Confederate States.

Convention at Baltimore, 1840, which paper is here reproduced, because it has not elsewhere appeared in this work :

1. *Resolved*, That the Federal Government is one of limited powers, derived solely from the Constitution; and the grants of power shown therein ought to be strictly construed by all the departments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful Constitutional powers.

2. *Resolved*, That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements.

3. *Resolved*, That the Constitution does not confer authority upon the Federal Government, directly or indirectly, to assume the debts of the several States, contracted for local internal improvements, or other State purposes; nor would such an assumption be just or expedient.

4. *Resolved*, That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of another, or to cherish the interest of one portion to the injury of another portion of our common country—that every citizen and every section of the country has a right to demand and insist upon an equality of rights and privileges, and to complete and ample protection of person and property from domestic violence or foreign aggression.

5. *Resolved*, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

6. *Resolved*, That Congress has no power to charter a National Bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and the will of the people.

7. *Resolved*, That Congress has no power under the Constitution, to interfere with or control the domestic institutions of the several States, and that said States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend to our political institutions.

8. *Resolved*, That the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government and the rights of the people.

9. *Resolved*, That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of liberty, and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith; and every attempt to abridge the present privilege of becoming citizens, and the owners of soil among us, ought to be resisted with the same spirit that swept the alien and sedition laws from our statute book.

Standing on this platform, and carrying out its policy, Mr. Lewis made a speech on the tariff, "in Committee of the Whole on the State of the Union," on the 11th of July, 1842, which fills a pamphlet of sixteen pages; of arguments founded on a most elaborate analysis of the statistical returns of manufactures and agriculture, in the census of 1840. The speech is somewhat in the nature of an indictment against the Whig party, for alleged National crimes in legislation, and for grave misdemeanors generally. To show the compactness and force with which Mr. Lewis expressed him-

self, and the manner in which he arraigned the Whig party before the people, a few extracts are given:

MR. CHAIRMAN: I seldom address this House, nor should I do so on the present occasion, but for the paramount importance which in my estimation, justly attaches to the bill.

Sir, I look upon this not only as the leading measure of the session, but the leading measure of the Whig party; that to which all other measures have been directed, and which, if successful, will be the consummation of their whole policy. I look upon it as a return to that disastrous system of measures, under which the country is now prostrated, and suffering with an intensity and protraction unparalleled in its past history. I hesitate not to say, the pecuniary distress inflicted on the country, under the joint action of Banks, Tariffs, Internal Improvements, and other Whig measures, is infinitely beyond that produced by the last war with Great Britain.

Sir, that system commenced with an United States Bank, then followed the Tariffs of 1824 and 1828—then the system of Internal Improvement prosecuted with so much vigor and with so much injustice, under the administration of the gentleman from Massachusetts [Mr. Adams]; then in an immense surplus revenue, which, after the payment of the public debt, through an union first with the United States Bank, and afterward with the State banks, gave an inflation to the paper system, unequalled since the days of John Law, and finally terminated, as every such inflation must terminate, in a condition of general indebtedness, but little short of the universal bankruptcy both of States and of individuals.

And now, sir, while the country is yet prostrated under these measures, before a wound is closed or the blood is staunched, the great object of Whig policy, is to precipitate us into the same system. As a pretext for inordinate taxation, the Whig party have, within the last two years created a public debt—not a debt like the former one, incurred in the prosecution of a war in defense of our rights—but one designedly created by the most willful extravagance. To throw the whole burthens of revenue on imposts, the proceeds of the public lands are to be distributed among the States; and thus the old system of Internal Improvement by the Federal Government, so much reprobated by the people, is to be superseded by the more recent and more profligate system of distribution.

After pursuing the argument at considerable length, Mr. Lewis then examined the census returns of 1840, showing that the number of persons engaged in agriculture was 3,717,756, and the value of agricultural products was \$794,453,071, equal to \$213.71 for the labor of each individual for one year. The amount of capital invested in agriculture, and its yield as above-stated, was then compared with the amount of capital engaged in manufactures with its product, and the conclusion arrived at was thus stated:

|  |            |
|--|------------|
| The result of both these tables is, that a laborer engaged in agriculture, with a capital of \$500, the product of his year's labor and capital would be . . . . . | \$ 474.81  |
| A laborer engaged in manufactures, with a capital of \$500, the product of his year's labor and capital would be . . . . .   | \$1,239.44 |
| Deduct from this the product of agricultural labor as above . . . . .  | \$ 474.81  |
| It shows a difference in favor of manufacturing labor and capital, over agricultural, of . . . . .   | \$ 764.63  |
| Being about three to one.  |            |

Now, Mr. Chairman, CAPITAL AND LABOR are the *only* ELEMENTS OF PROFIT, and from a comparison of both these elements, drawn from a source which cannot be questioned, the result is, that ONE MAN with a CAPITAL OF FIVE HUNDRED DOLLARS,

performing *manufacturing labor*, makes \$289.82 MORE than TWO MEN with a CAPITAL OF ONE THOUSAND DOLLARS, performing *agricultural labor*.

The predicate of Mr. Lewis for political effect, however justified by the facts, is not here introduced by the writer of this work in the form of an indorsement, but it is merely intended to show the views then taken by a distinguished Democratic statesman, to weaken before the people the scheme of government which he attributed to the Whig party, in the issue before the country.

When Mr. Lewis resigned his seat in the House of Representatives in 1844, he was chairman of the Committee of Ways and Means, and after he went into the Senate he was made chairman of the Committee on Finance, a position corresponding with his former position in the House, always considered the first honor on the floor. He was actively connected with the Tariff of 1846, recommended by the Secretary of the Treasury, and known as the *Walker Tariff*. Never did any State or any people have a more faithful, a more devoted representative than Mr. Lewis. Even in early life, he seems to have been inspired with a sense of the rights and wrongs of his native South, and his vast intellectual powers were exerted for the defense of the one, and the prevention and redress of the other.

Mr. Lewis married a daughter of Gen. John Elmore, of Autauga county. His domestic and social qualities were all that his many friends could desire. It was his misfortune, physically, to be encumbered with an enormous quantity of flesh, (430 pounds) which rendered walking rather disagreeable, and always attended with fatigue. Before the day of railroads, he traveled to Washington City in the public mail coaches, and as a passenger he always paid for two seats, a space which he entirely filled. A chair of very large dimensions, and of the strongest manufacture, was provided for him on the floor of the two Houses of Congress. His size and weight considered, it is extraordinary how well he could move about, and what vast labor he could perform in the public service. While on a visit to the city of New York, Mr. Lewis died there in 1848, in the vigor of his days, at the age of forty-six years. He was buried in Greenwood Cemetery, near the city, where all that is mortal of him now reposes, while his fame belongs to the whole country, whose interests and honor he nobly sustained through a successful legislative course of more than twenty years.

In looking over some old letters in his possession since the foregoing sketch was written, the author of this work found one addressed to him by Mr. Lewis, dated Washington City, March 24, 1846, of which the following is an extract:

I am most anxious, I assure you, to preserve the peace of this country. The prospects of Free Trade at both ends of the line, now for the first time offered to

us, constitute with me the strongest inducement to avoid a war, which would perpetuate the Tariff, restore the Banking System, and engulph us in a Public debt which would mortgage all the exporting States of the South.

Still believing the President is anxious, like myself, to preserve the peace of the country, I am most desirous to sustain him, particularly against those extreme men who are for committing him, *uncompromisingly*, to 54-40. I know the President is willing to compromise on the 49th degree, but I do know that every effort has been made, and is now making, to prevent all compromise. Forty-two out of the fifty-four Senators are also for compromising on 49, and if a Treaty was made on 49, not more than six or seven Senators at least would oppose it.

Under these circumstances, I have come to the conclusion to vote for the Notice, [to Great Britain respecting the joint occupancy of Oregon] unless something occurs to change that determination. I shall vote for notice in the mildest form I can get it, and I am particular about the form only for the reason that a studied effort has been made by the war men to make notice a war measure, and in advance to censure any attempt on the part of the President to compromise the matter. I wish by the notice to leave the President free to do whatever he can, consistently with the honor of the country, to adjust this question peaceably.

#### SUPREME COURT VACANCY.

At the session of 1847 the Legislature had to fill vacancies which had occurred on the bench of the Supreme Court, and on the Chancery bench. Other Judicial elections also took place, which will be noticed in connection with these officers. This opportunity is embraced to refer in a special manner to a very distinguished jurist, who died of yellow fever in Mobile, in the fall of 1847.

HON. HENRY GOLDTHWAITE was a native of Boston, Massachusetts, where he was liberally educated, and came to Alabama when a young man, in the earlier years of the State. He settled in Montgomery, where he was for some time the editor of a newspaper, displaying the abilities which afterward became so conspicuous at the bar, in the Legislature, and on the bench of the Supreme Court. He was for awhile the law-partner of Governor Fitzpatrick, who was then a young man, carving his way into public notice.

In 1829, Mr. Goldthwaite was elected a Representative in the Legislature from Montgomery county, and became active and efficient as a member, establishing a high character for talents and business qualifications. The next year he was defeated. Not long afterward, he removed to Mobile, as a more extensive opening in the line of his profession. He there formed a partnership with Robert G. Gordon, Esq., which continued until the death of the latter gentleman, in 1835. In the meantime, Mr. Goldthwaite practiced extensively on the Circuit, and was acknowledged the foremost lawyer in all the courts, for shrewdness and legal acumen. His mental capacity, and his logical powers, made him a formidable competitor before any tribunal. He prospered both in reputation and in his finances.

In 1838, he was elected an Associate Justice of the Supreme Court. His opinions in the several volumes of the Reports, embracing the period of his service until he resigned in 1843, afford the best evidence of his great legal acquirements. The Democratic party in the Mobile District, being very anxious to defeat Mr. Dellet, the Whig candidate for Congress, held a convention in 1843, and nominated Judge Goldthwaite as the most popular and effective man to compete with Mr. Dellet on the stump, or elsewhere. The character of that contest has been described in another chapter of this work. Judge Goldthwaite, with his gigantic mind, great research, his superior reasoning faculties, and his cutting style of speech, failed to conquer his rival, after resigning his high office to enter the political arena. At the next session of the Legislature, he was replaced on the bench, where he continued until cut down in the meridian of life, with bright prospects of future advancement in the honors of the State.

Judge Goldthwaite had broad shoulders, and was quite corpulent. Being near-sighted, he wore glasses to strengthen his vision, which gave him the appearance of looking at a high angle of the horizon, to the neglect of obstacles in his foot-path. He was remarkably active for one of his weight, by which means he preserved his equilibrium in walking under difficulties.

He was bordering on the age of an old bachelor when he married Miss Witherspoon, of Greene, who greatly contributed to his happiness. At the time of his death, and for many years previously, he was a member of the Methodist Episcopal Church. And here it may be added, what has rarely happened before in the religious character of men, that Chief Justice Collier, and Associate Justices Goldthwaite and Ormond, who presided together with distinguished ability on the bench of the Supreme Court for many years, were all members of the same church.

JOSEPH W. LESSENE, of Mobile, was a native of South Carolina, and educated at Columbia College in that State. He married a daughter of Dr. William Cooper, President of the Institution. He settled in Mobile to pursue the practice of the law previous to 1840, as he that year participated in the Whig Conventions, and in April, 1841, was selected to deliver a eulogy on President Harrison, a task which he handsomely performed, as the published address will show. Mr. Lessene was a gentleman of fine literary taste and cultivation.

At the session of 1847, he was elected Chancellor of the Southern Division, to succeed Chancellor Crenshaw, deceased. A few years thereafter, he aspired to a seat on the bench of the Supreme Court, but was defeated. He then resigned his seat on the Chancery Bench. While on a fishing excursion, he and others were

drowned in Mobile Bay. Chancellor Lessene was an accomplished gentleman, somewhat reserved in manner, yet, when better known, quite social and agreeable. His melancholly fate was much regretted by the public. He was a State Rights Democrat.

JOHN EDMUND MOORE, a member of the House from Lauderdale, in 1847, was defeated for Judge of the Fifth Circuit, by Judge S. C. Posey. He was a native of North-Alabama, and a son of Dr. Alfred Moore, of Madison county. He served through the session with activity and intelligence in the dispatch of public business, and was elected to the Circuit Bench in 1854. He was an aspirant for the nomination for Governor, but the choice of the Democratic Convention fell on Gov. A. B. Moore. He occupied some position of trust during the war; but his health declined, and he died about its close. He possessed a good deal of energy in the prosecution of his plans, and was an affable and companionable gentleman.

#### OTHER ELECTIONS.

At the session of 1847, Gen. Thomas A. Walker was elected Judge of the Fourth Circuit, over the Hon. George W. Lane. Both of these gentlemen have been sketched on a different occasion.

For Solicitor-General of the Sixth Circuit, Mr. Platt, received 66 votes, which elected him over Mr. Ralston, who received 44 votes, and Mr. Jarnigan, who received 12 votes.

William S. Mudd, of Jefferson, was elected Solicitor of the Third Circuit, and Alexander B. Forney, of Lowndes, was elected Solicitor of the Second Circuit.

Samuel G. Frierson, Esq., and Jefferson C. Van Dyke, Esq., having, for many years, held the respective offices of State Treasurer and Comptroller of Public Accounts, were not candidates in 1847 for reelection. Joel Riggs was elected Comptroller, after a stubborn contest; and William Graham, of Autauga, was elected State Treasurer. Upon the recommendation of Gov. Martin, these offices had been reorganized upon an improved footing, and the salaries increased.

Col. Marion A. Baldwin was elected Attorney-General, over Henry C. Semple and George Taylor, Esqrs., his competitors.

WILLIAM E. CLARKE was elected Solicitor of the Second Circuit, over several competitors. He had previously held the office some months under Executive appointment, and at the Fall riding proved himself a vigilant and effective prosecuting officer. He subsequently added to his reputation in this respect, and contributed, by his zeal and ability, to the faithful administration of public

justice. After his term of office expired, he declined a reelection, and devoted himself more exclusively to the practice of law in Marengo and the adjoining counties, until the events of 1860, connected with the Presidential election, interrupted his engagements.

He was elected a delegate of the Convention of 1861, and voted for the Ordinance of Secession. In the same year he was elected a Senator from Marengo and Greene counties, which place he continued to hold until the last session under the Confederate Government. When Mr. Jemison was elected, in 1863, to the Confederate Senate, Mr. Clarke succeeded him as Chairman of the Committee on Finance and Taxation, to which responsible position he brought ability and business qualities of no ordinary grade. His speeches were always brief and to the point—never for display—and for that reason had more influence.

Mr. Clarke is a native of Virginia, and came to Alabama when a young man, and now resides in Demopolis, pursuing his profession earnestly and successfully. In politics, he has always been a Democrat. His uncle, Robert Clarke, Esq., a gentleman of great worth and popularity, represented Marengo in 1838 and 1839.

JOHN M. JARNIGAN was a son of the Hon. Spencer Jarnigan, a Senator in Congress from Tennessee, in 1843-'47, who was regarded as one of the strong men of his day in that State, in the Whig party. I saw the father and son in Tuscaloosa, about the year 1845, prospecting for a location for the latter. Mobile was selected as the point at which he settled in the practice of the law. But his effort, if he made any, was a failure, resulting, no little, from unsteady habits. He left Alabama, and joined the expedition to Sonora, on the Pacific coast, and was a member of the *paper* Cabinet of President Walker of filibustering celebrity—perhaps Secretary of War. Since this movement, I lost all traces of Mr. Jarnigan.

WILLIAM S. MUDD, of Jefferson, entered the House as a member at the session of 1843, and was reelected in 1844, and again in 1845. He was elected Solicitor in 1847, and filled the office with efficiency for eight years. In 1851, he was the candidate of the Compromise party for Congress, and made a strong canvass, but was defeated by S. W. Harris. He succeeded the Hon. George D. Shortridge as Judge of the Third Circuit in 1855, and has been on the bench continually from that time to the present (1871.) In 1865, he was a delegate in the Convention to carry out the policy of President Johnson for re-organizing the State, and took an active part in that body.

Judge Mudd was raised and educated in Alabama. He was a

Whig under the old party organization, but he was personally popular at home, where the Democrats had a majority, and seldom failed of an election. He was never an extreme man in his political sentiments, but conservative and cautious. In discharging the various public trusts confided to him, he has acted with uniform integrity of character. He is direct, straightforward, and frank in his intercourse with his fellow-men, unpretending and respectful. As a member of the Legislature, he faithfully represented the will of his constituents, whenever that will was known. He still resides in Jefferson county, highly respected among a people who have known him from boyhood.

ALEXANDER B. FORNEY, of Lowndes, completed his education as a member of the graduating class of 1838, in the University of Alabama, where he received the degree of Master of Arts. He was a son of the Hon. Daniel M. Forney, who was a Representative in Congress from North Carolina, 1815-'18.

Mr. A. B. Forney was elected to the House in 1847, which was his first and only session. Being a new member, and promoted to an office which would likely engross his thoughts and labors in the future, he did not participate to much extent in the business of the House beyond voting. He possessed a well-balanced mind, a good personal figure, and was a gentleman in his deportment. He made a faithful and efficient representative of the State in the prosecution of crime. While his friends looked forward to still higher advancement for him, and to many days of enjoyment and usefulness, he was cut off in the morning of life, just as his faculties began to expand in a public career.

JOEL RIGGS, the new Comptroller of Public Accounts, continued in office, by successive elections, until 1855, when his political principles or prejudices led him into an alliance with the Know-Nothing party, and occasioned his defeat for a still further reelection.

Mr. Riggs was a Tennessean by birth, but came to Alabama when young, and was sent to the Military Academy at West-Point, where he received his education. For several years he was Teller in the State Bank, and was noted for the accuracy with which he kept his accounts. As Comptroller, he managed the affairs of his office with great regularity, bringing order out of confusion, and introducing system, of which very little had been practiced for years. He opened an entirely new set of books, and digested the tax returns with little or no help. As the head of his department, he stood at his desk from morn till night, rendering to the State honest services for the compensation he received. His official reports showed the results, in the information they fur-

nished as a basis for estimating the public revenue from taxation, and other sources, to replenish the Treasury. *Clerks* had little to do in preparing these statements, as in later days.

After leaving the office of Comptroller, Mr. Riggs became connected with the "Mail," a newspaper, of which he was one of the editors. His health had been feeble for many years, rendering him somewhat unsocial; but with his books and business he was always on good terms. He died in 1865, after a lingering illness.

Before he removed from Tuscaloosa, Mr. Riggs married a daughter of Junius A. Moore, Esq., and niece of Judge Alexander B. Clitherall. Mrs. Clitherall, the mother of the Judge, was an English lady, and for many years a correspondent of Hannah More, the celebrated authoress.

WILLIAM GRAHAM, of Autauga, was a native of North Carolina, and a brother of Daniel Graham, who was many years Secretary of State of Tennessee. He was also a brother of John G. Graham, formerly of Alabama, but now a citizen of Texas, and of Mr. Samuel S. Graham, of Coosa county.

Mr. Graham, the new State Treasurer, was so competent and faithful in office, that he retained it for a period of ten years, without opposition, and then declined a reëlection. His business habits, and his skill in accounts, his fidelity, his scrupulous neatness in keeping his books, all in the finest lines and figures, yet all intelligible and all exact to the fraction of a cent, made him a valuable officer to the State, and the loss of his services, by retirement, was a subject of much public regret.

For many years he had been clerk of the Circuit Court of Montgomery county, was always popular, and yet always quiet and taciturn, without ever using any art at *electioneering*, as the term is generally understood. He had fixed principles of rectitude, and a method of managing his affairs, from which he never departed. Even his personal movements were under the same rigid discipline. I have seen him walk a great deal, but never in a hurry beyond a regular gait. I have seen him ride much, but he never put his horse beyond a walk. He was firm and patient in adhering to his rules of action. The night before his first election, when his friends thought he had strong opposition, they asked him to meet them in consultation as to the best means of success. He replied that it was his night for going to church, and that he would leave the election to the chapter of accidents.

After a long life of faithful public service, and suffering at times the antagonisms of fortune, this good member of the Presbyterian Church descended to his grave several years ago, leaving a spotless name as a heritage to his family and numerous descendants.

HENRY C. SEMPLE was born and educated in Virginia, and is descended from an old, and a long line of ancestors distinguished for talent and high-toned bearing. He married a daughter of Lorenzo James, and has mingled prominently in the highest social circles of Montgomery, and is highly esteemed for his intelligence and his virtues.

In the reconstruction measures, he first acted in favor of organization under the *programme* of Congress, and was a member of the Convention which formed the present Constitution of Alabama, though it is not such an instrument as he tried to make it, and against it he protested. Soon after the Convention adjourned, he separated himself from all connection (whatever it may have been) with that party, and has since maintained a firm opposition to the measures of the party of reconstruction. Those who knew Mr. Sample had confidence in his good intentions, and in his desire to promote the interests of the people, and to avert a greater calamity to his State.

Mr. Sample came to Montgomery as a young lawyer a few years before he ran for the office of Attorney-General, in 1847, and still resides in the city, engaged in his profession, in the prime of life.

GEORGE TAYLOR, who was defeated for Attorney-General in 1847, was a member of the bar of Alabama for a few years, first settling at Wetumpka, and afterward removing to Montgomery. Soon after his unsuccessful attempt to obtain office at the hands of the Legislature, he left the State, and fixed his residence in Brooklyn, New York, where he took strong position in the Democratic party, and was elected to Congress where he served one or two terms, throughout which he closely adhered to that organization.

ALBERT G. GOOCH, although not a member of the Legislature, held important positions which justly entitle him to a place in this volume. He came from Virginia to Alabama, and in 1835 was a clerk in the store of Thomas H. Herndon, a large merchant at Erie, then the county-site of Greene county. An offer having been made him by Henry Minor, Esq., Clerk of the Supreme Court, Mr. Gooch accepted it, and changed his residence to Tuscaloosa in 1836. When the author first became acquainted with him he was Secretary to Gov. McVay in 1837, and for a while he continued as Secretary in the Executive Department after the accession of Gov. Bagby. But a more lucrative situation awaited him from Judge Crawford, who appointed him Clerk of the United States Court for the Middle District of Alabama, in which office he realized probably not less than twenty thousand dollars as his regular fees in bankruptcy, during the operation of the

bankrupt law of 1841. Mr. Gooch was a competent and faithful clerk, and very prudent in the management of his affairs.

His circumstances being independent, he married Miss Margaret Barr, a lady of fine literary culture, and of great personal worth, a sister of John G. Barr, Esq. He was next appointed by Mr. Lyon, Assistant Commissioner in charge of the assets of the State Bank, and performed the duties devolving on him with marked integrity. In the prime of life, Mr. Gooch died at Tuscaloosa, about 1st of January, 1858, to the grief of friends and the regret of the entire community. He was the model of an upright gentleman—quiet, dignified and courteous; and his memory will be held in the highest respect by those who knew him, including the best men of the State, many of whom were his personal friends.

COL. CHARLES T. POLLARD has wielded so large an influence, and has been so long connected with railroads, with finance and public improvements generally, that his name ought to appear among the leading men of Alabama. A Virginian by birth, he came to Montgomery more than thirty years ago, and engaged in commercial pursuits, in which he was successful. At a time of great disaster, when merchants and business men generally were swept overboard by the hurricane which prostrated most of the Banks, Col. Pollard weathered the storm, and his march has ever been onward, until he has reached the very pinnacle, which gives command in society and in the transactions of men.

With the West-Point and Montgomery Railroad he became identified at a period when its affairs languished, and by his skill and enterprise, as President, he gave it new life; and brought it to completion. He has been at the head of other enterprises of the kind, always providing the means, in Europe and in this country, to carry out his plans. His integrity of character has been the foundation of success. His accumulations have been legitimate and ample. In hospitality, and in the splendor of his household; in his large family connection, and in all that constitutes a true man, crowned with enjoyments in social life, his example has been a triumph. Montgomery is indebted to him for much of her prosperity. He still resides there in the midst of his usefulness, actively occupied in promoting good works.

## CHAPTER XXVII.

*Session of 1847 Adjourned—Leading Measures—Gov. Clay and other Public Characters Noticed.*

The leading measures at the session of 1847 related to the Banks, and the establishment of a system of revenue that should defray the expenses of the Government, and maintain the public faith. To these questions the members applied themselves earnestly, through the action of Committees, and otherwise.

A new revenue bill was reported by Mr. Jemison, Chairman of the Committee on Ways and Means, intended to raise a fund sufficient to pay the expenses of the State Government, the interest upon the trust funds, (16th Section and University,) and interest on the State bonds, leaving the remaining assets of the Banks to be used for the redemption of the outstanding indebtedness. The 16th Section Fund was taken charge of by the State, and the public faith pledged for the payment of the interest annually, to the trustees of the proper townships, for school purposes.

## BANK COMMISSIONERS.

The liquidation of the State Bank and Branches had progressed by regular steps, one leading to another, and at each session since 1842 additional legislation was necessary, from a new stand-point in the status of these institutions, to meet the existing state of things. At the session of 1845, the whole assets of the Banks were placed in the hands of three Commissioners, clothed with large and delicate powers in their management. The manner in which they discharged the trust, fully justified the confidence reposed in them, and the policy of the legislation under which they acted. They came forth at this session with an exhibit of their actings and doings under the commission, which was clear and satisfactory, and a formal recognition of the able and faithful manner in which the Commissioners had proceeded from first to last, was made by the Legislature; and one step further was taken, by constituting Francis S. Lyon, Esq., sole Commissioner and Trustee to apply the remaining assets of the Banks, with power and discretion as to settlements with debtors, in buying exchange, and taking up the indebtedness of the State, as he thought best for the public interest. No higher proof of confidence could be given by the Legislature, and no man in the State more deserved it.

After retiring from the Bank Commission, Mr. Clay and Mr. Cooper have not been connected with public affairs. Deeming the present occasion suitable, a personal notice of these gentlemen is here given.

CLEMENT C. CLAY was born and educated in Virginia, settled in Alabama while it was in a Territorial condition, making Huntsville his place of residence. In 1819, he was a delegate from Madison county, in the Convention which formed the Constitution, under which Alabama was admitted as a State.

With great energy of character, and with a laudable ambition, he pushed himself forward at the bar and in the public service, until his success was fully established. In those days a resort to the code of honor was quite common between gentlemen who had controversies of a personal nature to settle. An affair of this kind, in his early life, led to a hostile meeting with Dr. Waddy Tate, of Limestone, in which both were severely wounded, though with no permanent injury.

Positions of honor and trust seemed to be at his command. In 1819, he was elected Judge of the Circuit Court, of the Fifth Circuit; in 1827, was elected a Representative in the Legislature; and in 1829, he was elected to Congress from the Huntsville District, and was reëlected in 1831 and 1833. In 1835 he canvassed the State, and was elected Governor by a large majority over Gen. Enoch Parsons, of Monroe county. Upon the resignation of the Hon. John McKinley, he was elected a Senator in Congress at the called session of the Legislature, in June 1837, in which capacity he served until the Fall of 1841, when he resigned. Subsequently he was but little engaged in public life, except in 1843, when he served a few months on the Bench of the Supreme Court, under the appointment of Gov. Fitzpatrick.

A new Digest of the Laws of Alabama having been authorized by the Legislature, since that by John G. Aikin, Esq., Gov. Clay was appointed to prepare the work, and at the session of 1842 he reported the manuscript, which, after examination by the Judiciary Committee, was accepted and approved by the Legislature. In 1843 it was published, and has been used as authority in the Courts ever since.

During his administration as Governor, in 1836, the Creek Indians within the limits of Alabama became hostile. As Commander-in-chief of the State, Gov. Clay ordered out troops and took the field in person, in active coöperation with Major-General Scott, and Major-General Jesup, of the United States army, who subsequently took command of the volunteers from Alabama and the adjoining States, to operate against the Indians. From May until about the first of August the disturbances continued to pre-

vail, and many skirmishes and a few battles took place, as the Indian mode of warfare, laying in ambush, dodging behind trees, and then hiding in thickets and swamps, so that they could not be pursued by artillery, cavalry, or even infantry, evaded open contact with the troops. At length the Indians submitted, and were removed west of the Mississippi, thus relieving Alabama of a most impracticable and dangerous population.

From the time he entered public life until its close, embracing a period of about twenty-five years, in the Legislature, on the bench, in both branches of Congress, and in the State Executive, no man was more zealous, more active, and more efficient in advancing the interests of the people of Alabama, than Gov. Clay. Through his exertions in Congress, for the passage of the preëmption laws discriminating in favor of settlers, thousands and perhaps tens of thousands have secured homes on the public domain, which otherwise they would have been unable to obtain. His industry knew no limit, and throughout his whole career, he carefully investigated all matters in hand, and then, with a resolution which never faltered, he marched directly to his object. While toiling for the good of others, he was not wholly indifferent to reward, that honorable reward which a manly ambition covets, the approbation and support of the people in his public measures. This he received to an extent which few men have been permitted to enjoy. As a patriot, he was jealous of the honor of his country, as his speeches in Congress, and communications to the General Assembly, afford evidence. From youth to old age, he contended for liberty in the broadest and best sense of the term—liberty of speech and of the press, and the rights of the States and of individuals, all guaranteed by the Constitution which he had assisted in framing for the government of Alabama, and by the Federal Constitution, which he had sworn to support.

But a change came over the land. North-Alabama was invaded by Federal troops, and his home in Huntsville was seized, and he himself put under military arrest. Indignities were heaped upon this venerable public servant and Christian gentleman. Soon after the fall of Nashville, in February, 1862, the so-called Union army occupied North-Alabama, spreading devastation everywhere in their march. No attempt will be made here to describe the atrocities committed under the United States flag which was raised at the headquarters of that most hateful of all tyrants, Gen. O. M. Mitchell, the post commander at Huntsville. When he relinquished the chair of Astronomy, at Cincinnati, for the epaulettes of a field officer, he became at once transformed into a ferocious monster, insulting helpless women, and domineering over all classes subject to his rule. A few months thereafter it pleased Heaven to remove him to another world, and Hilton

Head, in South Carolina, where he had renewed his abominations, witnessed his last agony on *earth*.

But there was a master-spirit behind the scenes, who will now be brought to view in the following *precious* document:

TREATMENT OF THE INHABITANTS OF THE SOUTH—IMPORTANT LETTER  
FROM GENERAL SHERMAN.

From the Nashville Times.]

We have gained possession of the important letter published below, and give it to our readers who, after perusing it, will know more of the temper and character of the commander of the grand military division of the Mississippi than they have known heretofore. The letter was not designed for publication, having been addressed to his Adjutant-General, in reply to certain interrogatories relative to the course to be pursued by subordinate commanders of military districts toward disloyal inhabitants. We will add that as we consider our readers sensible men and women, no comments are necessary:

HEADQ'RS DEPARTMENT OF TENNESSEE, }  
VICKSBURG, January 1, 1863. }

*Major R. M. Sawyer, A. A. G. Army of Tennessee, Huntsville:*

DEAR SAWYER—In my former letter, I have answered all your questions save one, and that relates to the treatment of inhabitants known, or suspected to be, hostile or “secesh.” This is, in truth, the most difficult business of our army, as it advances and occupies the Southern country. It is almost impossible to lay down rules, and I invariably leave this subject to local commanders, but am willing to give them the benefit of my acquired knowledge and experience. In Europe, whence we derive our principles of war, as developed by their histories, wars are between kings and rulers, through hired armies, and not between peoples. These remain, as it were, neutral, and sell their produce to whatever army is in possession.

Napoleon, when at war with Prussia, Austria, and Russia, bought forage and provisions of the inhabitants, and consequently had an interest to protect farms and factories, which ministered to his wants. In like manner, the allied armies in France could buy of the French whatever they needed, the produce of the soil or manufactures of the country. Therefore, the rule was and is, that wars are confined to the armies, and should not visit the homes of families or private interests.

But in other examples, a different rule obtained the sanction of historical authority. I will only instance that, when in the reign of William and Mary, the English army occupied Ireland, then in a state of revolt, the inhabitants were actually driven into foreign lands, and were actually dispossessed of their property and a new population introduced. To this day, a large part of the north of Ireland is held by the descendants of the Scotch emigrants sent there by William's order, and an act of Parliament.

The war which prevails in our land is essentially a war of races. The Southern people entered into a clear compact of government, but still maintained a species of separate interests, history and prejudices. These latter became stronger and stronger, till they have led to a war, which has developed the fruits of the bitterest kind.

We of the North are, beyond all question, right in our lawful cause, but we are not bound to ignore the fact that the people of the South have prejudices which form part of their nature, and which they cannot throw off without an effort of reason or the slower process of natural change. Now, the question arises, should we treat as absolute enemies all in the South who differ with us in opinions or prejudices—kill or banish them? Or should we give them time to think, and gradually change their conduct so as to conform to the new order of things which is slowly and gradually creeping into their country?

When men take arms to resist our rightful authority, we are compelled to use force, because all reason and argument ceases when arms are resorted to. When the provisions, forage, horses, mules, wagons, etc., are used by our enemy, it is clearly our duty and right to take them, because, otherwise, they might be used against us.

In like manner, all houses left vacant by an inimical people are clearly our right, or such as are needed as store-houses, hospitals, and quarters. But a question arises as to dwellings used by women, children, and non-combatants. So long as non-combatants remain in their houses, and keep to their accustomed business, their opinions and prejudices can in nowise influence the war, and, therefore, should not be noticed. But if any one comes out in the public streets and creates disorder, he or she should be punished, restrained, or banished, either to the rear or front, as the officer in command adjudges. If the people, or any of them, keep up a correspondence with parties in hostility, they are spies, and can be punished with death or minor punishment.

These are well established principles of war, and the people of the South having appealed to war, are barred from appealing to our Constitution, which they have practically and publicly defied. They have appealed to war, and must abide its rules and laws. The United States, as a belligerent party claiming right in the soil as the ultimate sovereign, have a right to change the population, and it may be and is, both politic and best, that we should do so in certain districts. When the inhabitants persist too long in hostility, it may be both politic and right that we should banish them and appropriate their lands to a more loyal and useful population. No man will deny that the United States would be benefited by dispossessing a single prejudiced, hard-headed and disloyal planter and substitute in his place a dozen or more patient, industrious, good families, even if they be of foreign birth. I think it does good to present this view of the case to many Southern gentlemen, who grow rich and wealthy, not by virtue alone of their industry and skill, but by reason of the protection and impetus to prosperity given by our hitherto moderate and magnanimous Government. It is all idle nonsense for these Southern planters to say that they made the South, that they own it, and that they can do as they please—even to break up our Government, and to shut up the natural avenues of trade, intercourse and commerce.

We know, and they know if they are intelligent beings, that, as compared with the whole world, they are but as five millions are to one thousand millions—that they did not create the land—that their only title to its use and enjoyment is the deed of the United States, and if they appeal to war they hold their all by a very insecure tenure.

For my part, I believe that this war is the result of false political doctrine, for which we are all as a people responsible, viz: that any and every people has a right to self-government; and I would give to all a chance to reflect, and when in error to recant. I know slave-owners finding themselves in possession of a species of property in opposition to the growing sentiment of the civilized world, conceived their property in danger, and foolishly appealed to war; and by skillful political handling involved with themselves the whole South on the doctrine of error and prejudice. I believe that some of the rich and slave-holding are prejudiced to an extent that nothing but death and ruin will extinguish; but hope that as the poorer and industrial classes of the South realize their relative weakness, and their dependence upon the fruits of the earth and good will of their fellow-men, they will not only discover the error of their ways, and repent of their hasty action, but bless those who persistently maintained a constitutional Government, strong enough to sustain itself, protect its citizens, and promise peaceful homes to millions yet unborn.

In this belief, while I assert for our Government the highest military prerogatives, I am willing to bear in patience that political nonsense of slave rights, State Rights, freedom of conscience, freedom of press, and such other trash as have deluded the Southern people into war, anarchy, bloodshed, and the foulest crimes that have disgraced any time or any people.

I would advise the commanding officers at Huntsville and such other towns as are occupied by our troops, to assemble the inhabitants and explain to them these

plain, self-evident propositions, and tell them that it is for them now to say whether they and their children shall inherit their share. The Government of the United States has in North-Alabama any and all rights which they choose to enforce in war—to take their lives, their homes, their lands, their everything, because they can not deny that war does exist there, and war is simply power unrestrained by constitution or compact. If they want eternal warfare, well and good; we will accept the issue and dispossess them, and put our friends in possession. I know thousands and millions of good people who, at simple notice, would come to North-Alabama and accept the elegant houses and plantations there. If the people of Huntsville think different, let them persist in war three years longer, and they will not be consulted. Three years ago, by a little reflection and patience, they could have had a hundred years of peace and prosperity, but they preferred war. Very well, last year they could have saved their slaves, but now it is too late—all the powers of earth can not restore to them their slaves any more than their dead grandfathers. Next year their lands will be taken, for in war we can take them, and rightfully too, and another year they may beg in vain for their lives. A people who will persevere in war beyond a certain limit ought to know the consequence: Many, many people, with less pertinacity than the South, have been wiped out of national existence.

My own belief is, that even now the non-slave-holding classes of the South are alienating from their associates in war. Already I hear crimination. Those who have property left should take warning in time.

Since I have come down here I have seen many Southern planters who now hire their negroes, and acknowledge they knew not the earthquake they were to make by appealing to secession. They thought the politicians had prepared the way and they could depart in peace. They now see that we are bound together as one nation by indissoluble ties, and that any interest or any people that set themselves up in antagonism to the nation must perish.

While I would not remit one jot or tittle of our national rights in peace or war, I do not make allowances for past political errors and false prejudices. Our national Congress and Supreme Courts are the proper arenas in which to discuss conflicting opinions, and not the battle field.

You may not hear from me again, and if you think it will do any good, call some of the people together and explain these, my views. You may even read to them this letter, and let them use it, so as to prepare them for my coming.

To those who submit to the rightful law and authority, all gentleness and forbearance; but to the petulant and persistent secessionists, why, death is mercy, and the quicker he or she is disposed of the better. Satan and the rebellious saints of heaven were allowed a continuance of existence in hell merely to swell their just punishment. To such as would rebel against a Government so mild and just as ours was in peace, a punishment equal would not be unjust.

We are progressing well in this quarter. Though I have not changed my opinion that we soon may assume the existence of our National Government, yet years will pass before ruffianism, murder, and robbery will cease to afflict this region of our country. Truly your friend,

W. T. SHERMAN, Maj. Gen. Commanding.

What must have been the sad feelings of Gov. Clay on perusing this manifesto, setting forth doctrines and ideas repugnant to humanity, to be enforced by the bayonet, may be easily imagined, but not expressed. All the principles of free government and of personal liberty, to the assertion and maintenance of which he had devoted a long and active life, were at once swept away by a stroke of the pen and a flourish of the sword. No wonder that his strong spirit and his feeble body, bent by age, could not survive the shock of subjugation! He lived to see his large possessions and his beautiful fields trodden down by the invader, and

all that was dear to him involved in the common ruin. He had no sanctuary but that of Religion in which to take refuge from the storm, and that sheltered him in his last moments. Gov. Clay died in Huntsville, September 7, 1866, in the seventy-seventh year of his age.

WILLIAM COOPER was a distinguished member of the bar in North-Alabama, residing in the town of Tusculmbia. He was a Whig while that organization lasted, and in 1841 was a candidate for Congress on the general ticket. In several Presidential contests he has been on the Whig Electoral ticket; but the large Democratic majority in Alabama, of course, defeated him and his political associates in their attempts generally to obtain office. Personally, his character was so much respected by men of all parties, that he received many tokens of confidence in the midst of a Democratic community. His known probity, talents and competency at the bar, and his fidelity in all trusts committed to him, always secured him a place in the front rank of those who shared the public confidence. His election as a Bank Commissioner is evidence to this effect. With his colleagues, Mr. Lyon and Gov. Clay, the task of winding up the Banks was in a great measure accomplished, and then, with the latter gentleman, he retired to private life.

Mr. Cooper was appointed by Gov. Moore, in December, 1860, as a Commissioner from Alabama to the State of Missouri, to consult on the best measures for the Southern States to adopt for the preservation of their rights. He performed that mission and made his report. The troubles that followed came from no agency of his; but throughout the war, and since, he has been the same honest, upright gentleman, never deserting his State in the hour of her need.

#### THE ADJOURNMENT.

After a session of three months, the Legislature adjourned on the 6th of March, 1848. There was much business introduced in various shapes, a large portion of which was incomplete. A good deal of the session was consumed in debate on important measures which were not matured at the close.

Of the prominent men who entered the Senate this session for the first time, several will be noticed, while those holding over, or most of them, have already received attention of this kind.

DR. JAMES M. BECKETT, of Pickens, was elected a Trustee of the University in 1840, and was a State Rights Democrat of high culture and general reading, often sharing in debate with considerable reputation. His voice was rich and sonorous; his ideas on

political questions and constitutional law enabled him to throw interest around any topic he might discuss.

Dr. Beckett was a native of South Carolina, where he received his literary and medical education. He had an intellectual face. His public life closed with the session of 1849. To one acquainted with the Senate Chamber in those days, when such men as William M. Murphy, George N. Stewart, Thomas J. Judge and Dr. Beckett were compeers in discussion, and who now (in 1871) takes a look on the scene, will be forcibly impressed by the contrast, of what remains in the mere name, but utterly without the substance which composed that body, with the solitary exception of one member out of thirty-three.

CHARLES G. EDWARDS, of Dallas, elected for a term of four years, was a Whig lawyer in good practice. He was sometimes very bitter in his denunciations of political opponents. Possessed of an easy fortune, and a standing in society to afford happiness, he was still morose in his disposition, and had very little relish for social enjoyments. He had quite a good business capacity, but was not gifted as a speaker. Being childless, and laboring under some disease which cast a gloom over his spirits, habitual cheerfulness could hardly be expected of him. He appeared to be an unhappy man.

During his Senatorial career, he became involved in a personal difficulty with a gentleman of Dallas, who struck him a blow. The disparity in their physical strength induced Mr. Edwards to demand satisfaction in the field of single combat, which was readily accorded. As the parties with their friends, respectively, passed through Montgomery for West-Point, where the hostile meeting was to take place, the affair leaked out, and the Supreme Court being then in Summer session, the Judges, headed by Chief Justice Collier, made a written appeal to the gentlemen to submit the case to a board of honor which they had selected. Pursuit was made, the paper delivered, and, after a negotiation of two or three days, the question was referred and the difficulty adjusted.

But the circumstance so prayed upon the mind of Mr. Edwards that he never recovered from the effect, as he believed the insult was of such a nature that nothing but a fight could remove the stigma. His habitual gloom increased, and in a few years thereafter he died, while a comparatively young man.

THOMAS J. JUDGE was appointed Solicitor in 1843 by Gov. Fitzpatrick, and held the office for the Fall ridings. Being a Whig, he was beaten before the Legislature. I have heard him say in after-years that this appointment of Solicitor was of more service to him than any benefaction ever conferred, by introducing

him, a young man without patrimony, to the bar and into practice.

In 1844, and again in 1845, he was elected to the House from Lowndes county, and in 1847 he was returned to the Senate, where he served four years. Soon thereafter he removed to Montgomery, and established himself in the practice of his profession, as a law partner of Gov. Watts, and in 1853 he was again elected to the House, where I had the pleasure of serving with him through a long, laborious session, in which he bore a conspicuous part.

In 1857, he was the candidate of the Whig party for Congress in the Montgomery District, in opposition to the Hon. J. F. Dowdell. The canvass was conducted by these gentlemen, as the representatives of their respective principles and parties, with singular ability, but Mr. Judge was defeated. In the next canvass he was brought forward against Mr. David Clopton, the candidate of the Democratic party, and after another hard-fought battle, the decision at the ballot box was adverse to his claims. But in the discussions which these two contests evolved, Mr. Judge established a reputation for ability and eloquence which gave him an enviable prominence among the public men of the State.

In 1860, he supported for President the ticket headed by Mr. Breckinridge, and upon the secession of Alabama, he was sent by Gov. Moore, in February, 1861, a Commissioner from the State to the Government of the United States, at Washington City, to negotiate with that Government in reference to the forts, arsenals and custom-houses in Alabama, and the public debt of the United States—also as to the future relations of the State with the General Government—and immediately repaired to Washington City in fulfillment of his mission. But President Buchanan refused to receive him in any other character than that of a distinguished citizen of Alabama, and so his mission was fruitless.

On his return from Washington, Mr. Judge made a report of his action as Commissioner, which deserves to be incorporated in the public annals:

MONTGOMERY, ALA., February 18, 1861.

*To His Excellency, A. B. Moore, Governor of the State of Alabama:*

SIR—On the 25th of January, 1861, I had the honor to receive from your Excellency the appointment of Commissioner from the State of Alabama to the Government of the United States at Washington City, “to negotiate with the said Government, in reference to the forts, arsenals, and custom-houses within this State, and the public debt of the United States; also as to the future relations of the State of Alabama, now a sovereign, independent State, with the Government of the United States.”

On receiving my commission, I forthwith repaired to the City of Washington to enter upon the duties of the trust which had been confided to me. The day after my arrival, I applied, through the Hon. C. C. Clay, Jr., for an audience with the President of the United States, to present my credentials, and enter upon the proposed negotiations. I herewith submit to your Excellency a copy of the entire

## *Reminiscences of Public Men in Alabama.*

correspondence between Mr. Clay and the President, and Mr. Clay and myself, relating to the mission. By it your Excellency will perceive that the President refused to recognize me in the only character in which I was authorized to represent the State. This, of course, ended my duty as Commissioner.

Trusting my action, as shown by the correspondence, may meet with the approval of your Excellency, I have the honor to be, with the highest consideration, your Excellency's most obedient servant,

THOMAS J. JUDGE, Commissioner, etc.

[MR. CLAY TO THE PRESIDENT.]

BROWN'S HOTEL, WASHINGTON CITY, Feb. 1, 1861.

*His Excellency, James Buchanan, President of the United States of America:*

SIR—I have the honor to inform you that the Hon. Thomas J. Judge, of Alabama, duly commissioned to negotiate with the Government of the United States in reference to the forts, arsenals, and custom-houses in that State, and the debt of the United States, is in this city, and desires to present his credentials, and enter upon the proposed negotiation.

Will you be pleased to inform me when it will suit your convenience to give him an audience, and oblige, with high consideration, your Excellency's most obedient servant,

C. C. CLAY, JR.

[THE PRESIDENT TO MR. CLAY.]

WASHINGTON, February 2, 1861.

DEAR SIR—In answer to your note of yesterday, I shall be happy to receive the Hon. Thomas J. Judge, as a distinguished citizen of Alabama, either at 12 or 3 o'clock on Monday, as may suit his convenience.

You are doubtless aware, from my several messages, that, in my judgment, I have no power to recognize him in the character ascribed to him in your letter.

Yours, very respectfully,

JAMES BUCHANAN.

*Hon. Clement C. Clay, etc., etc., etc.*

[MR. CLAY TO MR. JUDGE.]

BROWN'S HOTEL, WASHINGTON CITY, Feb. 2, 1861.

*Hon. T. J. Judge:*

DEAR SIR—I send you a copy of my note in your behalf, as Commissioner, etc., to the President, and his reply, which reached me since 7 o'clock P. M. Please read, and advise me of your wishes and purposes in the premises, by Monday next.

I will defer my departure for a few days longer if I can serve you by remaining. I am, respectfully and truly, yours, etc.,

C. C. CLAY, JR.

WASHINGTON CITY, February 4, 1861.

*Hon. C. C. Clay, Jr.:*

I acknowledge the receipt of your note of the 2d instant, inclosing the correspondence between yourself and his Excellency James Buchanan, President of the United States, relating to my mission as Commissioner for the State of Alabama.

The President declines to give me an audience in the only character in which I sought it, as Commissioner for the State of Alabama, and thereby refuses to receive any proposals from that State for a settlement relating to the public debt of the United States, contracted while Alabama was a member of that confederacy, and relating to the property in the possession of Alabama, which belonged to the United States of America before the withdrawal of Alabama from that Union.

From this course of the President, it is to be presumed that he has abandoned all claim, or resolved not to make any in his official character, to that property in behalf of his Government; or that, by repelling any offer of amicable adjustment, he desires that it should be retaken by the sword.

But no matter what motive has prompted his unexpected treatment of me, I

should be wanting in reverence for my State, and proper appreciation of my present relations to her, to sue for peaceful negotiations, since the right of Alabama to send me, and my right to speak for her, have been denied. And if negotiation is to settle our difficulties touching these forts and arsenals, it must be proposed by the President to the Governor at her Capitol, whither I shall go and report the result of my mission.

Whilst I regret this action of the President, it is gratifying to know that the State of Alabama, by her prompt efforts to do that justice in the premises which has been thwarted by him, will stand justified before the world.

That State having now been placed right upon the record, and, under the circumstances, nothing more remaining for me to accomplish as her Commissioner, my mission ceases with this letter.

Permit me to return you my thanks for the valuable aid you have rendered, in endeavoring to advance the objects of my mission, and believe me to be very truly your friend and obedient servant,

THOMAS J. JUDGE.

[MR. CLAY TO THE PRESIDENT.]

BROWN'S HOTEL, WASHINGTON, Feb. 5, 1861.

*Hon. James Buchanan, President of the United States of America:*

SIR—I submitted my note and your reply, touching the mission of the Hon. T. J. Judge, to him for his consideration, and send you herewith a copy of his response. You will see that he declines to address you on the subject matter of his mission, because he regards your note to me as closing the door against him as the representative of Alabama, and repelling any offers she may have to make at the very threshold.

I am sure that you desire peace with all the world, and especially with those States which have seceded from the Union. You profess to claim, or hold forts and arsenals in those States only as property of the United States, that you are bound to take care of. It is therefore matter of surprise and regret, that you not only refuse to trust the people of those States with such property in their limits, and intended for their benefit, but pursue a course tending to destroy that property, and to break the peace between your Government and those States. If, recognizing the right of secession, you had received Mr. Judge as Commissioner from a foreign State, and had sent his proposals to the Senate, with your approval or objection; or, denying that right you had submitted his proposals to Congress, as those of a Commissioner from a State of the Union, possibly the independence of the State might have been acknowledged, and a treaty with it formed; or, denying its independence, Congress might have agreed to the sale and retrocession of the disputed places. At all events, it would have relieved you of the responsibility you have assumed, of not only refusing to entertain a peaceful proposition from a seceding State, but of preventing Congress from receiving it. I see nothing in the Constitution forbidding the course I suggest, either on your part or that of Congress. It would not have compromised your duty or the rights of the United States.

Certainly the lands of Forts Morgan and Gaines, and for Mount Vernon Arsenal, were ceded to the United States for the erection of such "needful buildings" for the defense and protection of the people of Alabama. For what other purpose should the Government of the United States hold them? But it is too late, if not improper, to pursue the argument.

Alabama has vindicated her integrity to the world. She sends her Commissioner here to purchase the property which her people prefer to hold in their own defense. It is now useless to your Government, except to injure them or their allies or friends. Knowing these facts, they were right to seize it, and are unanimous to offer to pay your Government the amount it cost. They can not misunderstand your course in refusing to receive their Commissioner; that you deny their right to take their destiny into their own hands, or to defend themselves against the Government of the United States, or to resist its authority, and that you mean to control their action by military force.

Their Governor advised you as soon as possible of the seizure of the forts and arsenals, "that it was done by his orders to make the secession of Alabama peace-

ful, and to prevent your reinforcing those places, and shedding the blood, and sacrificing the lives of her people in endeavoring to maintain the authority of your Government over them." Subsequent events have proved his wisdom and forecast. Your transfer of troops from Northern and Western posts to this city, and to all Southern forts where you apprehend that the people might take them for their defense, to secure peaceful secession, show your inclination to keep them for their coercion, and to prevent peaceful secession. The frowning artillery and armed men brought to the unaccustomed view of the people of Maryland and Virginia, of Charleston and Pensacola, are just causes of offense to those who esteem themselves free citizens—not subjects, masters or servants of Government.

The people of Alabama will not consent that places of power granted by them to Government for their defense against insurrection and invasion, shall be used in aid of their invasion and subjugation. They regard the uses now made of Forts Pickens, Sumter, McHenry, and others in Southern States, as a gross abuse of the people and trust—a plain usurpation of ungranted power. And be assured that the men of the South will not long endure this constant menace of the power of your Government, or suffer it to stand sentinel over their doorways, with presented arms, ready to challenge themselves or their friends, or to dispute their ingress or egress. The instincts of mere brute force, no less than the noblest sentiments of humanity—self-preservation, patriotism, honor and pride of independence—conspire against such deliberate insult, and persistent menace of injury. If not surrendered for the defense of the people against your standing army, they must and will take them at any hazard and at any sacrifice.

Those States that have seceded will never unite with the Northern States under a common Government. The idea is preposterous—the ground is hopeless. There has been constant and increasing strife between them for more than a quarter of a century. They differ so widely in principles and sentiments, in morals and manners, religion and politics, as well as social institutions and habits, that the world knows they are different and uncongenial types of civilization.

They have long seen and felt it, and can not have a motive for living together that is not purely selfish and mercenary. I trust and believe they will hereafter form separate and distinct Governments, in which they can not love each other less, or harm each other more, than under a common Government. The people of Alabama believe their rights will be better respected by the New England and other Northern States, when out of this Union, than they have been in it. The common prevalence in the South of this opinion will forever prevent the rebuilding of the old Union.

With your knowledge of the history of the United States, and the unhomogeneous characters of the Northern and Southern peoples, you must agree with me that man will never witness the reconstruction of the Union. Then, why hold the forts and keep troops in the seceded States, if not to disturb us? Why not take the purchase money offered for them? Left to yourself, I think you would withdraw your garrisons and sell us the forts; for you pray for peace, and protest against coercion. Take care that your councils do not compromise your honor or your character by evincing uses of these strongholds at variance with your prayers and protests.

A superannuated soldier, whose vanity and ignorance have never failed to provoke contempt whenever he essays to play the statesman, is not competent to advise you. Neither is a mere jurist and scholar, who has lived a recluse, and knows less of living and feeling men than of dead languages and abstract sciences. Trust your own judgment, and I think you will correct the errors they have committed by transferring your troops from Southern States—where they can only excite suspicion and heart-burnings, and make enemies of those who should be friends—to the Western frontier, where war is being carried on against citizens of the United States.

Hoping that you may come out of seeming evil, and that we may not be precipitated into war by your preparations to prevent it, and wishing you the peace and tranquility in your retirement that follows good deeds, I have the honor to be, respectfully and truly, your friend and obedient servant,

C. C. CLAY, JR.

Finding that his services in a diplomatic character, owing to the circumstances which have been stated in an official shape, had availed nothing, Mr. Judge entered the military service. His war record may be briefly summed up:

1. As a *volunteer private*, in which capacity he served a short time at Pensacola, early in 1861.

2. Soon after leaving Pensacola (in 1861), he was appointed by President Davis Colonel of the Fourteenth Alabama Regiment, which was organized and mustered into service at Auburn. The late lamented D. W. Baine was appointed Lieutenant-Colonel, and O. K. McLemore, a son of the late Col. Charles McLemore, was appointed Major of the Regiment.

3. The Regiment was removed to Virginia in the Fall of 1861, and did service during a portion of the ensuing Winter at Evansport, on the Potomac, supporting the important Confederate batteries there, which for a considerable time blockaded the Potomac. In the meantime, the regiment performed arduous picket duty, with a considerable force of the Yankee army in front, under the command of Gen. Sickles.

4. In the Spring of 1862, the regiment was ordered to Yorktown, and there served until the retreat under Gen. Johnston, during which retreat, the battle of Williamsburg was fought.

5. In consequence of some injuries from a collision of railroad cars, among which injuries was the fracture of his right leg, Col. Judge resigned his command of the regiment. He also suffered from rheumatism, contracted by severe exposure on the Peninsula of Virginia.

6. Soon after his resignation, President Davis tendered him the position of presiding Judge of a Military Court in the Army of Virginia, with the rank of a colonel of cavalry. This appointment he declined, principally on account of his rheumatism, as it would subject him to further exposure in the cold climate of Northern Virginia.

7. Without solicitation by him, President Davis then tendered Col. Judge the same appointment to serve with the army in Mobile, which he accepted, and served until the close of the war.

Upon the reorganization of the State Government in 1865, he was elected one of the Judges of the Supreme Court, which position he held until he was superseded by the Reconstruction measures of Congress. He now resides at Greenville, engaged in the practice of the law.

Throughout his public life, and in every trust committed to him, Mr. Judge has displayed talents of a high order, with a fidelity which has never been questioned, and he is now enjoying the fruits in the universal respect entertained for him. His mind acts like electricity in taking hold of a subject, in speaking and in

repartee. I have thought that he had as clear a mind as I ever knew, joined with a prompt decision of character in the performance of duty, equal to any demand or any occasion.

At the close of the session of 1853-'4, the last active business day, a large proportion of the House became convivial, and threw the House into great confusion. Having many accounts and bills to sign, it became necessary for the Speaker to retire into one of the Clerk's rooms. The question with him was, who could govern the House, and dispatch the necessary business? Mr. Judge was selected and sent for, and asked if he thought he could control the House? His reply was "I'll try," and he took the gavel and Chair, and I never witnessed a better performance. He held the reins as though he had the management of restive animals, and directed the business with decision and rapid dispatch, never balking or blundering once. Remarking on this to a gentleman—a Judge of the Supreme Court—he said that Mr. Judge was the clearest man in his arguments of any lawyer at that bar.

He is a native Alabamian; has grown to his present status in reputation within the limits of this State, and has devoted his energies to her advancement in prosperity, and to the interests of her citizens. He is yet in the vigor of life and usefulness, and it is hoped that many days of happiness are yet in store, as a reward for his exertions to promote the good of his fellow-men.

JAMES M. NABORS returned to the Senate in 1847 from Shelby and Bibb. The journals show a long term of service by this gentleman, in one or the other branch of the Legislature, during all of which time he was a faithful, active, intelligent, working member. A planter of respectable means, fair education and intelligence, and, with honest purposes, he devoted himself to the work of legislation with an eye single to the public good. He filled the measure of a good citizen and faithful representative. His views of public policy were consistent, and maintained by sound reasons, well expressed in debate, giving him at all times a marked influence in the councils of the State.

Mr. Nabors was a Democrat, and it is saying much for his position in his party, that he was selected to place in nomination the name of Dixon H. Lewis for the United States Senatorship, at this session. He died many years ago, and in the onward course of events his name and services have been forgotten; but he belonged to a class of men whose example should be cherished and followed in the faithfulness, the rigid accountability, and the economy of a representative of the people. He was a worthy, unpretending member of the Methodist Episcopal Church.

GEORGE N. STEWART, of Mobile, a lawyer of distinguished rank, is well known to the country as the first Reporter of the Decisions of the Supreme Court. His information was extensive, and his capacity for labor seemed to have no limit, with a degree of neatness in details and a simplicity of statement, peculiar to himself. His mind was original in its conceptions, and well disciplined, so that he could bring forward in an intelligible shape any measure which he deemed necessary for the public good. He stated his premises, gave the argument which influenced his conclusions, in a brief and lucid manner, and generally carried along with him the minds of others to the same point. Although a Whig in politics, he was free from bitterness, and his course was often liberal, thereby gaining the respect and confidence of his Democratic opponents.

His term of service in the Senate, commencing with the session of 1847, was four years, and was the only connection he ever had with the Legislature; but during this brief period, he brought forward measures of such magnitude in the conception, as to identify his name favorably with the strong men of Alabama in the halls of legislation. Mr. Stewart is in all respects a business man, systematic in his plans, and persevering in their execution. He has little or no imagination as a speaker, and never aims at mere ornament. His object is higher, never deviating from the line of thought until he has demonstrated his proposition, or thoroughly analyzed the matter in hand. This accomplished, he resumes his seat.

Mr. Stewart still resides in Mobile, pursuing his profession with the same earnestness, assiduity, and method, which marked his early life when struggling for excellence. He is one of the genial landmarks of society, and never suffers an occasion to pass unimproved, when he can advance the interests of the city of his residence.

SETH P. STORRS was elected to the Senate in 1847, as the successor of S. W. Harris, from Coosa and Autauga, and was elected again in 1849. In the latter canvass, his competitor was William S. Kyle, Esq., a lawyer of much personal popularity and weight of character with the people, who died many years ago, leaving a son, Col. Osceola Kyle, a lawyer of Wetumpka, as the representative of his family. It is only justice to say, in this connection, that Col. Kyle proved his devotion to his principles in the late war between the States, in command of a regiment from Alabama. He is much respected for his intelligence and chivalrous bearing.

Mr. Storrs served in the Senate until the close of the session of 1851-'2, in which time he established a high character for intelligence and business qualities, combined with great industry in

legislation. He was a native of the North, where he was well educated, and settled in Wetumpka about the year 1834, where he succeeded well in his profession of the law. His dignity, social bearing, and pleasant hospitality added to the society of the place.

In person, he was well formed and developed, and was an agreeable companion in the line of anecdotes and innocent amusements. Col. Storrs reared an intelligent family, most of whom have followed him and his wife to the silent resting place; but he has yet living a daughter, Miss Charlotte Storrs, who in the beautiful endowments of character—dignity, intelligence, modesty, and refinement—is an honor to her name, and the State which gave her birth. Col. Storrs died in 1854, and if I mistake not he was a member of the Presbyterian Church. He also left a son, now of the firm of Gibson & Storrs, publishers at Montgomery.

#### MEMBERS OF THE HOUSE.

A number of Representatives who had not previously served in the Legislature, took their seats at the session of 1847. Some of them will be here noticed, including a few of more experience in public life, not heretofore sketched.

GEORGE AMASON, of Sumter, was a planter, a bachelor, rather young on the list, had a well set figure, a pleasant face, and was always ready for fun and waggery. He did not legislate a great deal—that is, he did not go much into the details of business; but was generally on hand when voting was to be done. He was a Democrat of the old stripe, without disguise, although he made no noise about his politics. He was a genial companion with those of kindred taste, and a little bluff for some circles; so between the two he circulated out-doors, and at the corners, and in the offices of the Capitol.

I heard an amusing incident connected with one of his visits to Mobile, which illustrates his character. Being in the city to dispose of his crop of cotton, he visited the theater, and noticed, among other things new to him, the *quizzing* (opera) glasses that were used from different parts of the house, and they all seemed to center upon him. He was somewhat annoyed, and returning the next night, it was repeated quite extensively, so much so that he determined to take a part in the business. The third night he returned, carrying with him a *tin trumpet* about six feet long, bought for the purpose; and when the *quizzing* glasses were used to improve the vision of their owners, Mr. Amason deliberately raised his long trumpet, and placing the small end to his eye, he turned it about on the audience, especially on the quarter where the glasses were most abundant, and completely vanquished the

crowd of *quizzers*. He died in the zenith of his manhood many years ago.

JAMES F. BAILEY, of Perry, served only through the session of 1847. He was a young man raised in the State, and educated at the University, and settled at Marion in the practice of the law. He was a Democrat, and was elected on a split ticket, with Messrs. Garrott and John, his Whig colleagues.

Mr. Bailey came into the House with a good deal of *prestige*, for he was made Chairman of the Committee on Military Affairs, a post rendered the more conspicuous, because the profession of arms had received a new impulse from the war in Mexico. He discharged the duties of his place in a competent manner, and was regarded as quite an accession to the membership of the House, in his sprightly social qualities and ready attention to business.

Towards the close of the session, Mr. Bailey was unanimously elected Judge of the County Court of Perry county, which, of course, cut short his legislative career. When Probate Courts were established, and the election of Judges given to the people in 1850, Judge Bailey was elected, and continued in the office, if I mistake not, until the surrender. In the meantime he was elected, in 1860, as the colleague of the Hon. William M. Brooks, to the Convention of January, 1861, and voted for the Ordinance of Secession, and gave to the cause of the Southern Confederacy his earnest support during the war.

Judge Bailey still resides in Perry county, in the practice of the law, where he maintains a very respectable rank. He commenced public life at an early age, and has had a long lease, which, no doubt, he turned to his profit in public favor and in substantial rewards.

JAMES W. DAVIS, of Bibb, was a Representative in the Legislature as far back as 1832, and was a member of the House when I first knew him, in 1837. With slight intervals, he has been in one branch of the General Assembly or the other continuously, up to the close of the session of 1866-'7, the last white man's Legislature that sat in Alabama. His public career has extended through more than thirty years. He has also been Sheriff of Bibb county; and take him from the beginning to the end, he has seen as much of public service as rarely falls to the lot of one man. From his popularity, and the acceptable manner in which he has always represented his constituents, I venture the opinion that he would still be a member of the Legislature, were it not for his disqualification under the Fourteenth Amendment.

Few men have retained the confidence of the people among

whom they lived so long as Mr. Davis, and this proves that he has not only been faithful to his public trusts, but that he has been a good citizen, a neighborly, kind man. To this record he is fairly entitled, and his example in this respect is worthy of note and imitation. During his long service, he seldom, if ever, detained the House with a speech. That is certainly a merit, and yet few men have acted and voted with a better understanding of questions than Mr. Davis. He was unpretending, though jealous of his rights and privileges, and would resist any encroachment upon them, and intimated, by his correct course as a Representative, that he knew the philosophy of having two ears and one tongue.

He was a Democrat, and is, and will be one as long as he lives. He was for Judge Douglas, the National nominee for President, in 1860, and was opposed to secession; but he gave his only son to the cause of the South, and long before the war closed, he was childless. He is a faithful, true man in his friendships, and like all such men, fixed in his prejudices, yet quiet about either.

Mr. Davis is a modest man, and will no doubt be surprised to find himself noticed in these sketches; but I could not pass him by, for there are points in his character that commend themselves to the men who are to come after him. He must have commenced life at a very early age, as the last time we served together, 1865-'66, he appeared to be but little past the meridian. His person is slender, and about six feet six inches in height.

JAMES G. GILCHRIST, of Lowndes, a lawyer, planter, and Whig, was elected to the House in 1847. Although very decided in his political principles, he was liberal in his discriminations, in voting for men and measures; and in this respect he was sometimes eccentric, an instance of which may be given:

While exchanging opinions with a fellow-member about the candidates for Judge of the Fourth Circuit, among whom was Mr. Posey, a Democrat, Mr. Gilchrist said he thought he should vote for Judge Posey; that, while he never saw him before, and knew but little of him, he liked the make and wear of his boots, and should vote for him on that account; and he did so vote. Mr. Posey was remarkable for the fit and neatness of his boots, and Mr. Gilchrist judged his character by this specimen of good taste.

Mr. Gilchrist was a working, active member of the House through the session, but seldom engaged in debate. After this, he remained in private life until the stirring scenes of 1860-'61. He was a member of the Convention, and voted for the Ordinance of Secession, and favored extreme measures. He indorsed his vote by entering the service of the Confederate States, and serving faithfully to the surrender.

Mr. Gilchrist is a North Carolinian, well educated, and a Southern gentleman in every feeling of his nature. He possesses a fund of humor in his personal associations, and is philosophical in his turn of mind. He now resides in the city of Montgomery.

PHILLIP S. GLOVER, of Sumter, was returned to the House from Sumter. He was a lawyer by profession, and for several years had been a partner in the practice with Henry F. Scruggs, Esq., formerly Judge of the County Court. He belonged to a class of jovial, clever young men who resided at Livingston; and while he was not extensively occupied at the bar, he held a court of his own as a Justice of the Peace, and rendered judgment as appeared to him right and proper. In politics he was a Democrat.

At the session of 1847, he was a candidate for Judge of the County Court, having for one of his competitors Samuel A. Hale, Esq., formerly editor of the "Flag of the Union," at Tuskalooza. Mr. Glover was defeated before the Legislature, soon after which he died of pneumonia. At pages 349 and 350 of the Journal of the House, the following proceedings appear:

SATURDAY, February 12, 1848.

The House met pursuant to adjournment.

Mr. Amason announced to the House the death of Mr. Philip S. Glover, one of the Representatives in this House from the county of Sumter, and offered the following resolutions, which were unanimously adopted:

*Resolved*, That this House has heard, with profound regret, of the death, on yesterday, of Philip S. Glover, Esq., one of its members from the county of Sumter.

*Resolved*, That a committee of ten be appointed to make such arrangements as may be deemed necessary or proper in regard to the obsequies of the deceased, in connection with his friends or brethren.

*Resolved*, That the members of this House will wear the usual badge of mourning for thirty days.

*Resolved*, That this House will adjourn until Monday, at the usual hour, for the purpose of attending the funeral ceremonies of the deceased.

*Resolved*, That this House does sincerely condole with the friends of the deceased in this afflictive bereavement, and that the Clerk forward a copy of these resolutions to the widow of our late highly-esteemed friend and colleague.

Mr. Speaker appointed Messrs. Amason, Storrs, Stallworth, Pearson, Tate, Malone, Jackson, Walton, Wynn and Gunter, the Committee of Arrangement.

Mr. Young offered the following resolution, which was adopted:

*Resolved*, That the Door-Keeper be instructed to procure the necessary scarfs and badges of mourning for the members of the two Houses.

And then the House adjourned until this afternoon, at 2½ o'clock P.M.

FEBRUARY 12, 2½ o'clock P.M.

Mr. Speaker called the House to order.

Mr. Storrs, from the Committee appointed to make arrangements for the funeral services of Mr. Glover, reported the following:

ORDER OF PROCESSION FOR THE FUNERAL OBSEQUIES OF HON. PHILIP S. GLOVER.

The two Houses will assemble at the Capitol at 2½ o'clock, and form procession in front of the Capitol in the following order:

1. The Joint Committee of Arrangements.

2. The Officers and Members of the House.
3. The Officers and Members of the Senate.
4. The Governor.
5. The Judges of the Supreme Court.
6. The Secretary of State, Comptroller, and Treasurer.
7. Municipal Officers of the City of Montgomery.
8. Citizens generally.

The procession will move in the above order to the Exchange, and meet the Independent Order of Odd Fellows.

They will proceed to the House; then the relations of the deceased, and the procession in the above order, will move to the Baptist Church, where a discourse will be delivered by the Rev. Mr. Talbird; after which the procession will move to the burying ground.

A space will be reserved at the grave for the funeral services, under the conduct of the I. O. O. F.

*Marshals*—Messrs. Jackson and Bailey, of the House; Messrs. Dent and Frazier, of the Senate.

*Pall-Bearers*—Messrs. Stallworth and Pearson, of the House; Messrs. Cocke and Storrs, of the Senate; Messrs. J. W. Gordon and H. H. Smith, of the I. O. O. F.

And then the House adjourned to take its appropriate place in the procession.

The fact is stated, with no feeling of disrespect to the memory of Mr. Glover, that, although he was not habitually intemperate, his buoyant and lively nature led him at times, when social opportunities were very tempting, to indulge too freely in champagne and other fine drinks. Late hours in this participation led to exposure, and cold was the consequence, which produced the fatal disease that terminated his life just as its political future seemed the most auspicious. He was, perhaps, not exceeding thirty years of age.

Mr. Glover was a nephew of Allen Glover, Esq., a rich planter in Marengo county, the father-in-law of the Hon. F. S. Lyon. His family connections were large and influential. A few years before his death he married Miss Frances Torrey, of Monroe county. The proceedings of the Legislature constitute a handsome memorial to perpetuate his memory. Those who knew the gentleness and suavity of his manners, and his friendly disposition, will think of him with tender attachment.

PETER HAMILTON, of Mobile, served his only session in 1847. His ability as a lawyer was evidenced by the extensive practice which he commanded, and in the House, as a member, by his being appointed on the Committee of Ways and Means, and also on that of Education. His attainments were considerable, and his character solid, as his course, during the session, in debate and by his votes, conclusively proved. He was thoroughly identified in feelings and in action with Mobile, the city of his residence, and lost no opportunity of contributing to its prosperity by legislation.

Mr. Hamilton was a Whig in his principles, and would no doubt be one again, if the old party, with Henry Clay at its head, was

still extant; and who would not, that was at any time a Whig? In social life, Mr. Hamilton was refined and companionable, and left the House with many warm friends acquired during his short service.

J. D. JENKINS, of Wilcox, was a native Alabamian, and a graduate of the State University. His only service in the Legislature was at the session of 1847. He had entered upon the practice of the law, with flattering prospects of usefulness, when that insidious disease, consumption, began to show itself. Such was the case at this session. Though perhaps not in a very advanced stage, the disease cast a gloom over his feelings, and rendered it somewhat imprudent to share in debate, or even to indulge much in conversation. Hence, he was generally silent; and those who know his ability, and his speaking powers, but did not understand the cause of his silence, were at a loss to account for it.

Mr. Jenkins had a strong emotional nature, and his mind dwelt much upon the wrongs inflicted on the South by the Northern people, in their aggressions on slavery, with which they had no power, under the Constitution, to interfere in the smallest degree. Yet he saw the trouble that was coming from this quarter, and his unhappiness was increased by his physical disability, to expose these wrongs, and to vindicate his native South in the halls of legislation, and elsewhere, as opportunity might allow. He was attentive to the proceedings of the House, and, to some extent, shared in the debates; but always with restricted measure. The injustice heaped upon the South by the Northern majority in Congress, and the constant efforts made to embitter one section against the other, by petitions from the Abolitionists, to degrade the Southern people from an equal participation of rights, constantly preyed upon his mind by day, and disturbed his dreams by night. Every fibre of his nature was enlisted, and yet he dared not give full utterance to his convictions and his sensibilities, lest the task should prove too much for his physical endurance. Thus he felt as a patriot, and thus he suffered as a victim. In this condition he continued to struggle, his friends hoping at times that his symptoms of decay were not so alarming, and he himself would seem to rally, as if in hope. In 1849, he was elected a Trustee of the University.

In one of these favorable moods he came to Montgomery to attend the Supreme Court, in 1851, if I mistake not. A political meeting was held, many stirring addresses were made, and he at last yielded to the calls upon him, and delivered a short speech, in which he dwelt feelingly on the injustice that was perpetrated against the South, and of the evil consequences, unless the aggressions were at once arrested. Though his remarks were brief,

he had to pause for breath; but the inspiration was upon him, and he made a last effort, closing with this quotation:

"Yet, though destruction sweep these lovely plains,  
Rise, fellow-men! our country yet remains!  
By that dread name, we wave the sword on high,  
And swear for her to live, with her to die!"

The look, the manner, the tone of the speaker in this conclusion was all eloquence, and electrified the assembly. Poor Jenkins! How warm his devotion to his beloved South, and how sadly he was prevented, by physical weakness, from serving her as he desired. His great soul consumed his feeble body, in its struggles for deliverance.

A vacancy having occurred on the Circuit Court bench, Gov. Collier esteemed it a privilege to tender him a commission to fill it. Judge Jenkins held the office but a short time, and died—closing his eyes upon his country before the ploughshare of ruin had passed over it. I know not where his remains are buried; but his resting place should be an object of interest to all who admire genius and patriotism.

J. R. JOHN, of Perry, was elected to the House in 1847, and served only that session. He was a lawyer in good practice, and a faithful, working, and investigating legislator, without consuming much time in debate. He certainly could have been returned as a Representative, had he sought political life, but he had no aspirations that way. He was a Whig, and firm to his principles, without much ado about it.

In 1864, upon the resignation of Chancellor Byrd, Mr. John was elected to the bench; and at the session of 1865-'6, under the reorganization, he was again elected, and continued his administration in Chancery until 1868, when he was superseded by the Reconstruction *programme*. He now resides in Selma, engaged in the practice of the law. He is a quiet, unpretending gentleman, of fine moral character, and good legal standing; and also a leading member of the Methodist Episcopal Church, South.

ELIHU LOCKWOOD, of Mobile, was returned to the House in 1847. He was a lawyer of considerable ability, and applied himself closely to the work of legislation with the industry and care which distinguished his professional life. He at once took a very respectable rank in the proceedings of the House, while at the same time rendering efficient service as a member of the Judiciary Committee. To the interests of the people of the county and city of Mobile, he was much devoted, and it is saying no little for him that he introduced the first charter of the Mobile and

Ohio Railroad, a work which has long since been completed, adding greatly to the commercial prestige of Mobile and intervening country. In 1849, he was reëlected to the House, and served the public interest with increased efficiency.

In 1853, Mr. Lockwood was the nominee of the Whig party for Congress, in opposition to Col. Phillip Phillips, and was defeated; since which time he has been in private life, pursuing his profession, and looking after his accumulated gains as the just reward of his industry and frugality in the past. When I knew him, Mr. Lockwood was a bachelor. He had a pleasant address, and seemed so much engrossed in business as to have but little leisure for social relaxation.

RICHARD H. RICKS, of Franklin, graduated at the University of Alabama, in the class of 1839, with the degree of M.A., as shown by the catalogue, which degree is also annexed to the names of five others, out of the ten who composed the class. He was elected to the House in 1847, and was noted for his eccentricities and his waggery. His faculties for imitation and mimicry were good. He sang well, and played finely upon the piano and violin. He wore his hair and beard long, and a blouse coat, which drew much attention upon him. His vest was of a flashy color, and his whole dress was striking.

At a party one night, in the early stage of the session, he seated himself at the piano, and commenced singing, "Oh, carry me back to old Virginia." As the sound of his voice went out into the other apartments occupied by the guests, there was a rush to the room, which was soon filled, and then he stopped short, and could not be induced to resume. This was owing to his odd conceits and his love of fun. He enjoyed the consciousness of being able to entertain the company, and at the same time disappointing them by his abruptness.

On the floor of the House, he indulged his waggish disposition too freely. He was a Whig in his political alliance, but was so addicted to sport that, on joint ballot of the two Houses, he was apt to vote for "John Smith," his favorite candidate.

The close of the Mexican war, with the acquisition of territory, afforded work for the Committee on Federal Relations, and in due time their report was brought in. Amendments were proposed, some of which clamored for the whole of Mexico, and that the American eagle should extend his wings over all the territory of that country. While the report and amendments were under consideration, Mr. Ricks rose in his place, and offered an amendment which he had written out, and sent to the Clerk's table, and read as follows:

WHEREAS, The American Eagle designs stretching his wings over the Mexican Republic—

*Be it resolved,* That in the opinion of the Legislature of the State of Alabama fears are entertained that the said Eagle will stretch his wings so wide as to split his tail all to pieces.

This amendment was pronounced out of order, but he insisted that it was not, and appealed from the decision of the Chair. He gave the resolution from the Journal, leaving the reader to determine whether it was the sagacity of Mr. Ricks' mind, looking to the future, or his drollery that directed it.

In his way, he was the *lion* of the House; for in all his eccentricities he had genius. In 1849, he was elected to the Senate—had married, was clean shaved, dressed as a Senator, and laid aside many of his oddities—was attentive, and engaged largely in discussion, for which he was well qualified. Still, there was more or less of the old humor and peculiarities running through his manner, his speeches and sayings, that reminded one, who knew him as a member of the House, of his former course. He was beaten at the next election, and died soon thereafter.

HODGE L. STEPHENSON, of Lawrence, was returned to the House in 1847. I first knew him in 1837, when he was then a member of the same body. He was repeatedly elected, and in 1849, was the Senator from Lawrence and Walker counties, in which capacity he served four years.

His early opportunities were limited, except in the school of experience. *There* he had learned much, and among other lessons, the first thing he learned was to be honest. He was a quiet watchful member, voting from honest convictions, founded upon such knowledge of men and measures as he was able to obtain. In his undertakings, while slow to promise, he was faithful to the last. He was a man of few words, except in intercourse with friends, and then he was likely to ask questions by way of obtaining proper information.

His habits of life, when at the Legislature, were well-regulated. In the capitol, and then at his lodgings, he could be found, and was seen regularly at church. He was a Whig, but was liberal in his opinions, and faithful in his representative capacity, being indebted for his election to the favor of Democrats, who constituted a large majority of his constituents. His retaining their confidence so long was a proof of the integrity of his character. His purity as a man of business is illustrated by the following incident.

In the flush times, when everybody seemed to be getting rich, Mr. Stephenson concluded to try his hand in the race, and selected the pursuit of merchandising as likely to advance his fortunes most rapidly. Like almost everybody else in that business, he

filed; but in one respect, as a broken merchant, he differed from others, in surrendering up the whole of his property and effects to his creditors, retaining nothing for himself.

Col. McClung came to Tuscaloosa in the Summer of 1841, while canvassing for Governor, and was telling some of his friends that he had seen on the route from Huntsville. He had passed through Lawrence, and had made a speech at Mount Hope to a large concourse of people who had attended a sale, "and there," said he emphatically, "I witnessed the first honest, old-fashioned endue sale that I have seen for many years. Hodge Stephenson filed, and surrendered up to his creditors, to be sold, every item of property that he had, even to his soap-trough." In this matter he stood pretty much alone, as the practice was in that day to hide out or run off property, without regard to moral or legal obligation.

Mr. Stephenson quietly commenced life anew, and no doubt found much safer reliance on old mother earth for solid prosperity than on the uncertainties of trade and speculation. By honest toil, he has succeeded in rearing a respectable family, and still lives, a representative of other days, through vicissitudes that have made him indulgent to the foibles of others, while his happiness, in a great measure, no doubt, been augmented by his hard experience.

GEN. LEROY POPE WALKER, a native Alabamian, made his first appearance in public life as a Representative from Lawrence county, in 1843. He had been previously elected a Brigadier General. In 1844, he was re-elected to the House, and took an active part in the deliberations of that session.

In 1847, he represented Lauderdale county, having removed to Florence, and was elected Speaker of the House of Representatives, and in 1849, he was re-elected Speaker, which is the best evidence of qualification as a presiding officer, in a body of men maintaining a large amount of talent and character. His administration of parliamentary law was at once dignified, prompt, firm and impartial, which secured him the respect and confidence of the House.

At the first election of Judges by the people, in 1850, he was elected Judge of the Fourth Circuit. In the same year, being a widower, he married Miss Eliza Pickett, an accomplished lady of Montgomery, daughter of Judge William Dickson Pickett, of the Circuit Court bench, a rising man of his day, who died young, in 1837. In 1853, Judge Walker resigned his seat on the bench, and returned to the Legislature. He was one of the prominent, leading men of that session, sharing largely in the important debates, especially upon the engrossing measure of the session,

internal improvement. On the 25th of November, 1853, Mr. Walker submitted to the House the following resolution :

*Resolved*, That the Committee on Internal Improvement be instructed to enquire into the expediency of affording State aid to a railroad company, connecting the navigable waters of the Mobile Bay and the Tennessee River, and report, should it be deemed expedient, some plan, by bill or otherwise, having this object in view; but in no event is said Committee to designate the termini of the road.

This resolution, with several amendments, was the occasion of the debate, in which the strength of the House for talent, eloquence and research touching the interests of Alabama, was finely exhibited to a crowded lobby and gallery of listening and admiring auditors, and to attentive members in their places. Gen. Walker opened the discussion in a speech of very great ability and research, which showed that he had thought much and deeply upon the subject of Internal Improvement, especially as connected with the resources and interests of Alabama. A copy of the speech was requested for publication, by many gentlemen who heard it, and furnished by the author. It was published in a pamphlet of sixteen pages, and had great influence on public opinion. The discussion was continued by Messrs. J. E. Belsler, D. C. Humphreys, Percy Walker, T. J. Judge, John Cochran, J. L. M. Curry, Joshua L. Martin, A. B. Meek, and others, constituting an array of talent seldom exhibited upon any one question, at any session of the Legislature.

After the session of 1853, Gen. Walker resumed the practice of the law, and remained in private life for some time. In 1860, he was a delegate to the Charleston and Richmond Conventions, the latter adjourning to Baltimore. In these Conventions he identified himself fully with the Southern movement, as it was called, and supported Mr. Breckinridge for President.

Upon the secession of Alabama, Judge Walker was appointed by Governor Moore, a Commissioner to Tennessee, to confer with the authorities of that State as to the best policy for the slave-States, and he at once visited Nashville, where he executed his mission, and reported to the Governor formally on the prospect of the coöperation of Tennessee.

When the Confederate Government was organized, in February, 1861, President Davis invited Mr. Walker to a seat in his Cabinet, which he accepted as Secretary of War. As matters hastened to a crisis, in relation to Fort Sumter, in April, 1861, Gen. Walker exchanged telegrams with Gen. Beauregard several times a day, and at last, when the Confederate guns opened on the Fort, and after a heroic resistance of thirty hours or more, Major Anderson capitulated, intelligence of the victory was flashed in a moment to Montgomery, where it caused great enthusiasm, and wild demonstrations of joy. The Secretary of War was called upon for a

speech, when, having very little time for reflection, or to weigh in very nice scales the significance which his official character would give to words otherwise harmless, he replied to the multitude in substance that the Confederate flag would wave in victory over Independence Hall, in Philadelphia, and over Faneuil Hall, in Boston, before our armies retired from the field. The North had hitherto been divided, and with great reluctance a large portion of the people, including the most intelligent classes, contemplated a war of *invasion* against the South; but when the Secretary of War, supposed to represent the feelings and designs of the people of the South, declared that the North would be *invaded and conquered*, then there was unanimity—perfect, aggressive—men, capital, everything for self-preservation. Then it was that Edward Everett, whose influence had hitherto held in check the passions of the people, advised them to take up arms in defense of their homes—all from that speech of twenty words, more or less, on the spur of the moment. However unfortunate for the country, the honor or the patriotism of the Secretary has never been impeached for this gigantic conception, although the Southern people have had to answer sorely for it. It was a beautiful flourish, directed by a brave spirit, and made by eloquent lips, with no mischief in the purpose; but it unhappily took an evil direction, from its official origin.

Gen. Walker remained in the Cabinet a year, or thereabout, performing his onerous and responsible duties, amid scenes and transactions of vast importance, when he resigned, and accepted from President Davis the commission of Brigadier General in the Confederate army. Throughout his connection with the Southern Government, in high positions, he maintained the same lofty principles, the same undeviating rectitude of purpose, the same polished address as a gentleman, for which he was always distinguished. His public services are before the country.

Gen. Walker now resides at Huntsville, with mature qualifications as a lawyer and jurist, to make his legal course successful. He has had the benefit of family influences and *prestige*, which no doubt contributed to render him popular with the masses when he first came forward; but he has since worked his way to high places, and into public favor, on his own merits. He is still in the meridian of life; but it can not be claimed for him, or for any other true Southern gentleman, during the present Federal misrule, that his political future is without gloom and without embarrassment. The chances are against virtue and intelligence.

JAMES WILLIAMS, of Jackson, served his first session in 1838, and up to 1847, when he was again returned, he was several times elected to the House. After 1847, he took a long resting spell,

and devoted himself more closely to his agricultural pursuits, and in raising his family with that care and attention so essential to happiness.

In 1860, he was a delegate in the National Democratic Convention at Baltimore, and voted for Mr. Douglas, and was conservative. He was also a member of the Convention that prepared the Constitution of 1865, and was elected that year to the Legislature, serving through the session of 1866-7. Mr. Williams was a good average member, and attentive to business, and generally quiet upon the floor of the House. Occasionally, he would deliver his sentiments, and was apt to be heard with attention, as he spoke good common sense, interspersed with wit and anecdote, which made his efforts spicy and entertaining. He was a Democrat, and, like Mr. James W. Davis, of Bibb, will, I presume, always be one as long as he lives. He was somewhat eccentric, and what the world calls *curious*, but it was his way, and he meant nothing by it. In his friendships, he was sincere and constant, with a warm, generous nature, which, if not guarded, may prove his worst enemy.

LOUIS WYETH, of Marshall, took his seat in the House for the only time at the session of 1847. For a number of years, he had filled the office of Judge of the County Court, and was esteemed for the probity and uprightness of his administration. His character, as a citizen and lawyer, commanded general respect. He possessed a warm, sympathizing heart, and was moved to action by the wants and sufferings of the people, both during the war and after the surrender.

The presence of hostile armies had been peculiarly wasteful in his section of country, and despite the efforts of Col. Sheffield in the Legislature, a famine of bread and starvation was imminent. In this terrible emergency, Judge Wyeth left his office and business, and visited several towns on the Ohio, where he presented the condition of the people in so simple and earnest a manner, that liberal contributions were made for their relief, and arrangements for shipping supplies free of charge. His announcement by telegram of the result was characteristic and expressive. It ran in these simple words: "*My people are saved.*" It was enough; it meant bread and meat for a starving people.

Judge Wyeth still lives in Marshall—a gentleman of fair literary attainments, of extensive reading and reflection; and better than all, he has the consciousness of having acted well his part in life, which will redound to his happiness in time and in eternity.

## CHAPTER XXVIII.

*Session of 1849—Burning of the Capitol—Inauguration of Gov. Collier—Candidates and Sketches.*

The year 1848 brought another Presidential election. The contest between Gen. Cass, the Democratic, and Gen. Taylor, the Whig candidate, was quite animated, and the result showed a giving way of party strength on the side of the former. The friends of Gen. Taylor, within a few months of the election, conceived the idea of carrying the State for their candidate, and their operations were very effective toward accomplishing the end. They failed, however, in the main chance, but succeeded in reducing the majority to the lowest figure at which the ballots have ever ranged in contests between the parties in Alabama. The vote was, for Cass, 31,363; for Taylor, 30,482—a majority of less than one thousand. This lessening of the majority was caused, in a great measure, by the support which Gen. Taylor received from Col. Belser and Judge Rice, and the neutral position of Mr. Yancey, Judge Heydenfeldt, and others of the extreme Southern wing. Col. Richard B. Walthall, as an Elector for the State at large, presided in the College of Electors, when the vote of Alabama was cast for Lewis Cass for President, and William O. Butler, of Kentucky, for Vice-President. I believe it was his last public act. He was then in bad health and declining.

## VISIT OF EX-PRESIDENT POLK.

In March, 1849, ex-President James K. Polk took the Southern route in returning from Washington to his home in Nashville. Measures were taken to give him a reception at Montgomery. About one hundred gentlemen got up a private entertainment at the Montgomery Hall. A public meeting was held, and a committee appointed to meet him at Opelika, and escort him in a special train to the city. Col. John J. Seibles was chairman of the committee, and was accompanied by several gentlemen, to-wit: Col. Howell Rose, Seth P. Storrs, Col. Reuben C. Shorter, Jr., Gen. Rush Elmore, Col. Robert E. Coxe, Dr. Charles S. Lucas, and the writer, besides others whose names have escaped recollection. The route of Mr. Polk from Opelika was crowded

at every station with multitudes of people anxious to see him, and hear him say something. After partaking of a very fine dinner, prepared by Mr. John Gindrat at Franklin, the party, consisting of Mr. Polk and his lady, Miss Rucker and Miss Hays, and the official escort, arrived at Montgomery in good time, and was received at the Montgomery Hall, in presence of a large concourse of citizens, by Mr. Yancey, on behalf of the city and State, in a short and pointed speech, to which the ex-President replied.

The dinner was given after night, in the large dining-room of the Hall, and was attended by about one hundred gentlemen. Col. John A. Elmore presided, assisted by several Vice-Presidents. In due time, the toasting and speaking commenced, and Mr. Polk, in reply to the toast of the occasion, made a speech which, of course, gave satisfaction. Col. Reuben C. Shorter was there, and a noble, humorous gentleman he was, too. His sentiment was the most amusing, and was drank with great *freedom*. It was this: "Gen. Taylor. May he follow in the footsteps of his illustrious predecessor."

The fatigue of the guest excused his retiring at an early hour, say midnight; but did not interfere with the fun and wit and pastime of the occasion.

Captain Coxe, of the steamer "Empress," had detained his fine boat for the purpose, and the distinguished party, at noon next day, left for Mobile. Mr. Polk was in a low state of health when he passed through Alabama, and the continued and long drafts made upon him, by the popular courtesies on the trip, no doubt contributed to his death in the June following.

#### NOMINATION FOR GOVERNOR.

The Spring of 1849 opened with a good deal of maneuvering in State circles. The biennial election was to be held, and the elements of discord and rivalry in the Democratic ranks gave out the sounds of an approaching contest in the nomination for the Executive. Gov. Chapman, who was really entitled to the position, had, in a correspondence with Mr. Philip Woodson, Jr., the influential editor of the "Huntsville Democrat"—in reference to the dissatisfaction in many quarters of the State, especially North-Alabama, at his appointment of Senator in Congress—with great magnanimity, waived his right to a candidacy for reelection without the formality of a convention, according to the usages of the party.

A Convention was at once called to meet in June, and public meetings were held in most of the counties. The solicitude growing out of the occasion was increased by its novelty, and a very large attendance of the leading men of the party was the conse-

quence. Judge Bridges, of Wilcox, was made President, and R. C. Shorter, Jr., of Montgomery, Secretary. Among the prominent members of the Democratic party present and participating, may be mentioned Mr. Yancey, who had been selected by the friends of Gov. Chapman with a view to his support; John Cochran and Eli S. Shorter, of Barbour; Judge Heydenfeldt, of Russell; Columbus W. Lee and William M. Brooks, of Perry; James E. Saunders, of Mobile; Judge Roach, of Wilcox; John G. Harvey, of Greene, besides many other friends of Gov. Chapman, were unable to rally a two-thirds vote, and when he fell below a majority vote, he was withdrawn. Then the contest was between John Erwin of Greene, John A. Winston of Sumter, Judge Stone of Lowndes, and Judge Collier of Tuskalooza. After balloting two days, Judge Collier was nominated unanimously, and was, as will be seen, elected without opposition.

#### THE LEGISLATURE.

For the first time in many years the Whigs had a majority in the Senate—the count standing, Whigs, 17; Democrats, 16. In the House the Democrats had a majority of ten. This year (1849) the Whigs brought forward their talented, popular men, and in many counties and districts that were Democratic, they succeeded in electing their candidates.

The General Assembly met on the 12th of November. In the Senate, every member was present on the first day. Gen. Dennis Dent, of Tuskalooza, was unanimously elected President. He was selected on account of his long service in that body, where his personal relations with his political opponents had always been friendly; and, although an intense Whig, he was personally popular. Jennings F. Marrast was elected Secretary; W. M. Kidd, Assistant Secretary; and L. G. Million, Door-Keeper.

In the House, Gen. L. P. Walker, of Lauderdale, was elected Speaker, without opposition; A. B. Clitherall, Principal Clerk; J. H. Cooper, Assistant Clerk; W. J. Greene, Engrossing Clerk; and J. H. Owen, Door-Keeper.

Gov. Chapman transmitted to the House, on the same day, his annual message, which occupies thirty-two pages of the House Journal—an able and business-like document.

The Governor, toward the close, devotes seven pages of his message to a topic which will be sufficiently explained by the first and last paragraphs of the discussion, hereto subjoined:

First paragraph—

Having thus placed before you, for your consideration, every subject connected with the domestic policy of the State, and the immediate interests of her people,

I should feel that I had not discharged my whole duty, if, before retiring from office, I did not call your serious attention to the question of slavery in the Territories, and the action of Congress on that subject. A more important subject never presented itself to the consideration of a people; for it concerns not merely our property, but is a question of State and individual honor—of self-preservation.

#### Last paragraph—

I recommend that provision be made by the Legislature at once for the calling of a Convention of the people of the State immediately upon the passage of the Wilmot Proviso in Congress, or any similar measure having a tendency to exclude slavery from the Territories, or abolish it in the District of Columbia, or interfere with the removal of slaves from one State to another. I recommend, also, that provision be made, that, in any such contingency, our sister States similarly affected, be invited to unite with us in general Convention, to consult upon the state of the Union, and the best means of preserving our common rights.

The two Houses contained a large addition of talent in such men as Murphy, McLemore, Watrous, Gunn, and others, of the Senate; and Robert H. Smith, William G. Jones, James, Irby, Watts, Ligon, Hall of Autauga, L. M. Stone of Pickens, H. C. Lea, J. T. Rather, and others, of the House. The leading men, so far as the arrangement would allow, are signified by the Chairmanship of Committees:

#### In the Senate—

Mr. Murphy, on the Judiciary;  
 Mr. Stewart, on Finance;  
 Mr. Manning, on Banks and Banking;  
 Mr. Judge, on Federal Relations;  
 Mr. Watrous, on Internal Improvement;  
 Mr. Buford, on Education;  
 Mr. Abercrombie, on Propositions and Grievances.

#### In the House—

Mr. W. G. Jones, on the Judiciary;  
 Mr. Bridges, on Ways and Means;  
 Mr. Jemison, on Banks and Banking;  
 Mr. James, on Federal Relations;  
 Mr. Hill, of Sumter, on Internal Improvement;  
 Mr. Lea, on Education.

The session of 1849 may be considered one of great practical importance. Much business was transacted, and many able reports made upon the various questions referred to the Committees.

As sole Commissioner for winding up the affairs of the State Bank and Branches, the Hon. Francis S. Lyon submitted a report of his management, which was referred to a Select Committee, to

examine the account and vouchers. That Committee, through Mr. Jemison, the Chairman, made the following report:

The Joint Committee appointed by the two Houses of the General Assembly to audit and settle the accounts of F. S. Lyon, Esq., Commissioner and Trustee appointed to settle the affairs of the State Bank and Branches, showing the receipts and disbursements by said Commissioner and Trustee on account of the State, have performed the duty assigned them, and instructed me to report.

They were furnished by the Commissioner with an account in detail of moneys received by him since the passage of the act of 4th February, 1848, appointing him as sole Commissioner and Trustee to settle up and close the affairs of the State Bank and Branches; also the expenditures by him on account of the State during the same period, which account is herewith submitted for the information of the two Houses.

Your Committee inquired into the mode of keeping the accounts at the several Banks, so as to test the accuracy of the several items with which the Commissioner stands charged, and to satisfy themselves there had been no omission to charge moneys for which he was accountable. They found that all moneys collected under his supervision at each Bank went into the custody of the Assistant Commissioner of the Bank where collected, whose duty it was to keep a regular account of all collections. These accounts have been all reported to the General Assembly. Whenever any money has been withdrawn from any Bank on the order of the Commissioner, the amount was charged to his account at the Bank whence it was drawn, and the Assistant Commissioners have rendered accounts of all moneys paid by them to the order of the Commissioner, or placed to his credit, and subject to his order.

On settlement of accounts of the former Board of Commissioners at the last session of the General Assembly, there was found to be on hand a balance arising from Bank collections, the sum of \$1,067,019 84. This sum was charged to the present Commissioner; in addition to which, it will be seen from the debit side of the account herewith submitted, he has since received the several amounts with which he is therein charged from the State Bank and Branches, and from the State Treasury. Upon a careful examination of each item on the debit side of the account, and a comparison thereof, with the entries made at the several Banks by the Cashier or Assistant Commissioner of each, your Committee became fully satisfied with the correctness of the debit side of the Commissioner's account. They then proceeded carefully to examine each item on the credit side, growing out of payments of interest on the foreign debt of the State, the reducing the principal of the State debt, and the purchase of Treasury Notes, as shown in the report of the Commissioner to the present General Assembly, made 19th ultimo.

The vouchers relating to each item of expenditure were severally and carefully examined, and the result has been that every item was sustained by a proper and satisfactory voucher, and the credit side throughout found to be correct, as stated.

Your Committee next proceeded to count the bonds discharged, and Treasury Notes on hand, and found, as stated in the report of the Commissioner, the sum of \$2,476,666 57 of the Bonds of the State have been taken up and canceled, and that there is on hand, in six per cent. Treasury Notes and United States Stocks, \$1,100,000, and the further sum of \$564,314 64 in specie funds unexpended, and on deposit in the Bank of Mobile, and Merchants' Bank, New York.

Your Committee, moreover, inquired into the outstanding circulation of the several Banks, as reported by the Commissioner, and find the same correct, according to the returns from the respective Banks. They also find his report of collections made at the several Banks sustained and verified by the detailed statements from each.

Your Committee have likewise examined with care the profit and loss account presented by the Commissioner, and find the same correct.

Finally, your Committee are, from their investigation, fully satisfied of the correctness of the statement of receipts and expenditures of the Commissioner, as stated in the account which accompanies this report, and they are likewise sat-

ified of the correctness of the statement of receipts and expenditures of the Commissioner, as stated in the account which accompanies this report, and they are likewise satisfied that the several statements and results shown by the report of the Commissioner to the present General Assembly are correct.

In the opinion of your Committee, the very arduous and responsible duties devolved upon the Commissioner have been discharged with ability, fidelity, and untiring industry, and with most decided benefit and advantage to the State. The office has been one difficult to execute, and by no means free from risk and danger to any incumbent, however cautious and prudent in performing its delicate and responsible duties. In the performance of these duties by the present incumbent, we have seen nothing to condemn, but much to admire and approve. Under his conduct and management of the affairs of our hitherto miserably mismanaged State Bank and Branches, and the other funds of the State placed under his control, a new era has occurred in our finances, a brighter sun has shone on our prospects; it is, therefore, with regret that your Committee have learned that he desires to retire from his present position as Commissioner and Trustee, and that this desire has, in a great degree, arisen from the insufficiency of his compensation, which has been mostly paid out in traveling and other unavoidable expenses, leaving a mere pittance to remunerate him for his exclusive and entire attention to the business of his office, to say nothing of the constant and unceasing anxiety attendant upon the discharge of its duties. We can not believe that, for reasons of this sort, the State will consent to part with the services of the first public functionary who has shed a ray of light and hope upon the deep and discouraging gloom that for years past has cast its impenetrable shadow over her financial prospects.

The present Commissioner has performed more than three-fourths of the labor necessary to bring to a close the affairs of the State Bank and Branches, and has, from his experience, acquired a knowledge of its complicated duties, which could not soon or readily be acquired by any other, however able or apt; added to which the very unexpected and gratifying results of his past labors having given him so firm a place in the confidence and affections of a generous and just people, we are satisfied this people would desire his continuance on terms that will, to some extent, compensate him for past as well as future services, and for the sacrifices in his private and individual business. From those who serve them well, who serve them ably, and who serve them faithfully, the people of Alabama will not withhold a reasonable compensation.

In view of the foregoing facts and considerations, your Committee would deem themselves wanting in justice to the Commissioner, and faithless in their duty to their State, if they did not recommend that the General Assembly make provision for adequate compensation to him for his past as well as his future services, and to insure to the State the successful completion of a policy so wisely begun and so ably conducted thus far.

Your Committee have prepared, and most respectfully submit, the accompanying bill, the passage of which they earnestly recommend.

R. JEMISON,

On the part of the House of Representatives.

JOHN MORRISSETTE,

On the part of the Senate.

This document is given entire, as showing in detail the process of winding up the commission by the Trustee, whose conduct was highly approved.

#### COUNTING THE VOTES FOR GOVERNOR.

On the 16th November, 1849, the two Houses of the General Assembly convened in the Hall of the House of Representatives, to compare and count the votes for Governor at the last general elec-

tion, when Mr. Speaker presented the official returns from forty-four counties, which were examined, showing a total vote of 37,925; of which HENRY W. COLLIER received 37,221, and the remaining 704 votes were cast for eight citizens who were not candidates. Chief Justice Collier was therefore declared duly elected Governor of the State for a term of two years.

#### BURNING OF THE CAPITOL.

The two Houses had been in session a month and two days, and were industriously engaged in the dispatch of business, which promised an early termination of the session, when an event occurred, which in the disorder and the derangement produced, and the introduction of new questions, extended the session nearly one month longer. I allude to the burning of the State Capitol on the 14th day of December.

About fifteen minutes after one o'clock in the afternoon, when both Houses were in session, it was discovered that the Capitol was on fire over the Representative Hall—the volume of smoke issuing with rapid increase. Gen. Frazier, of the Senate, upon the first intimation of such a thing, hurried to the upper story, and into the room leading, by a trap-door, to the top, to see what discoveries could be made; but was met at the door by a dense volume of smoke, which arrested his progress.

The Senate adjourned hastily; but the House broke up its sitting without the formality of an adjournment—such was the panic and confusion that suddenly seized upon the members. The fire extended rapidly from the south end of the building against a pretty stiff northern breeze, and in three hours, that superb, elegant structure—a monument of the liberality of the citizens of Montgomery, and the pride of the State—was in ruins; nothing left but portions of the blackened walls.

The combined efforts of the members and citizens, with the heads of departments, saved the public property upon the basement and second floor. The State Library on the third floor could not be entered without peril. After the archives of his office were saved, the writer conducted a number of gentlemen to that apartment, to assist in throwing the contents out of the windows; but the heat was so great and increasing, that they could not remain, and the large collection of public documents, law-books, manuscript Journals of the General Assembly, historical works, maps of the several States, and valuable papers, with a variety of publications presented to the State in exchange for similar courtesies, and other volumes constituting a fine collection for public use—were all destroyed.

The archives and papers of the Executive, of the Secretary of

State, the Treasurer and Comptroller, of the Supreme Court, and of the Senate and House of Representatives, including all belonging to the public offices in the Capitol, that were saved, were secured in rooms procured for the purpose in the city, until the Houses should determine the location of the different offices.

The day after the conflagration, the President of the Senate laid before that body several communications:

1. From F. Bugbee, C. T. Pollard, and other citizens of Montgomery, a committee on the part of the citizens, tendering the use of such buildings and rooms as would be suitable for the Legislature of Alabama to hold their session in.

2. From Mr. Talbird, pastor of the Baptist Church, tendering the use of the Church building to the Senate or House of Representatives.

3. From W. L. Yancey and others, a committee on the part of the Presbyterian Church, tendering their edifice of worship to the General Assembly.

On motion of Mr. Ware, of Montgomery, a joint committee was appointed, consisting of Messrs. Ware, Winston, and Abercrombie, on the part of the Senate, and of Messrs. James, Watts, Rather, Hill, and Bridges, on the part of the House, to examine the rooms which have been tendered, and if, in their opinion, they be suitable for the comfortable accommodation of the General Assembly, and for the dispatch of public business, they shall contract for said rooms, and also provide rooms for the accommodation of the departments and officers of the Government—the committee to report on Monday, 17th of December. Not being able to accomplish their labors within the time specified, further time was asked, and granted, for the committee to make their report.

#### INAUGURATION OF GOV. COLLIER.

When the Senate met on Monday, December 17th, Mr. Storrs from the joint committee appointed to make suitable arrangements for the inauguration of His Excellency HENRY W. COLLIER, made the following report:

#### PROGRAMME.

##### FIRST.

The two Houses will adjourn at 11 o'clock, A. M., on Monday, the 17th instant, form a procession at the Montgomery Hall, receive the Governor elect, and repair to the Methodist Church, where the inauguration will take place.

##### SECOND.

The procession will form in the following order:

1. The military.
2. Citizens.

3. Mayor and Aldermen.
4. Committee of Arrangements.
5. Governor elect and the retiring Governor.
6. Chaplain.
7. Members and officers of the Senate.
8. Members and officers of the House of Representatives.
9. Officers of State.
10. Judges of the Supreme and Circuit Courts, and Chancellors.
11. Senators of the United States, Ex-Senators and Ex-Governors.

## THIRD.

The Rev. Dr. Hamilton will act as Chaplain.

## FOURTH.

Gen. James G. Carroll will act as Marshal, with aids.

## FIFTH.

After the inauguration, the two Houses will again form in procession and escort the Governor to his rooms.

SETH P. STORRS,  
GEORGE N. STEWART,  
JAMES M. BECKETT,

Committee on the part of the Senate.

LEWIS M. STONE,  
JOHN S. STORRS,  
ENOCH ALDRIDGE,

Committee on the part of the House.

The plan of the Committee was carried out in the ceremonies, and the new Governor, after delivering an address suited to the occasion, took the oath of office in the Sanctuary of the Most High, in the presence of a great multitude, official and otherwise, instead of the Capitol, where his election had been proclaimed one month previously.

In a few days, rooms and offices were provided and arranged, and the two Houses were again at work. But a new question was sprung—that of rebuilding the Capitol—and from the day of the burning to the end of the session, it was the engrossing, if not the controlling one. The old removal feelings were kindled anew, and on the proposition to rebuild at the expense of the State, there was a close division and count, while the Senate hung on a balance of uncertainty for some time. But the measure at length prevailed, money was voted, and the Capitol was rebuilt in two years, upon the old foundation, in time for the meeting of the Legislature in 1851.

From various causes, the session of 1849 proved to be a long one, terminating on the 13th of February, 1850. One of the measures of importance, was a ratification of an amendment of the Constitution, giving the election of Circuit Judges to the people, and providing for a Probate Court in each county, the Judge of which was to be elected by popular vote. This removed the

election of these officers from the Legislature, where it had been lodged since the organization of the State. It showed, too, the progress of public sentiment, step by step, since that time. Under the original Constitution, Judges of the Circuit Court held their offices for life. Public opinion, in a few years, demanded that they should be elected for a specified term, and it was fixed at six years. But it did not stop, and the next demand was to elect those officers by the people, instead of the Legislature. This was accorded them.

#### MEMORIAL OF MISS DIX.

The well known and highly respected philanthropist, Miss D. L. Dix, of New York, visited Montgomery during the session, and presented a memorial to each branch of the General Assembly for the establishment of a hospital for the insane. The memorial was referred to a select committee. In the Senate—

Mr. Stewart, from the Select Committee to whom was referred the memorial of Miss D. L. Dix on the subject of the establishment of a hospital for the insane, reported as follows:

That they are very much gratified in having the opportunity, by reason of the valuable information communicated to them by Miss Dix, to present to this body the means of performing a duty so long neglected and so sadly delayed. It is a stranger who, having nobly devoted her life to the succor of the afflicted, now pleads their cause before us, and from no other motives than the pure dictates of Christian charity and benevolence. She admonishes us, and we must admit it as a lamentable fact, that the State of Alabama, one of Heaven's most favored social communities, whose population claim to be recognized as a Christian and civilized people, alive and adequate to all the purposes of self-government, has existed as a sovereign State for thirty years, and yet she has wholly omitted and neglected to perform one of the first of her moral, social, and religious duties—that pleasing duty of charity to the afflicted.

Your Committee believe they would fall far below the standard of the people themselves now, when all the requisite information is laid before them, showing them the means necessary to be adopted, by a person so well skilled from experience to furnish it, with all the details necessary to create, organize, and conduct such an institution with success—if they failed to act at once, and to do, in the name of the people of Alabama, this act of charity and Christian duty.

They have therefore directed me to report

A bill to be entitled "An act to establish a State hospital for insane persons in Alabama," and of which they recommend the passage by this body.

GEORGE N. STEWART, Chairman.

On motion of Mr. Ware, the bill was laid upon the table, and 133 copies ordered to be printed.

#### In the House of Representatives—

Mr. R. H. Smith, from the Select Committee to whom was referred the memorial of Miss D. L. Dix, on the subject of a State hospital for the protection and cure of the insane, reported:

That the Committee think no statement or argument can be necessary on the importance of such an institution; no extraordinary appeals are required to elicit our sympathies in behalf of affliction. Increasing legislation throughout the civilized world for the protection and relief of the unfortunate of every class, speaks the tendency of the age too plainly to require comment. The census of 1840 in-

forms us that there were then three hundred and fifty-seven persons within our State idiotic and insane. When it is remembered that the computation was mere incidental duty to ascertaining the population, it will appear that the number must have been much larger, especially as the lunatics from Alabama in the hospitals of other States were probably not included.

We are advised by the touching memorial of Miss Dix, whose philanthropic life has been largely devoted to ascertaining and ameliorating the condition of this unfortunate class, that, according to the lowest estimate, there are not fewer than seven hundred idiots, epileptics and insane within our State. Observation teaches how deplorable and distressing must be the condition of such out of an asylum. All testimony coincides in acknowledging the restorative and ameliorating effects of treatment in one.

The Committee, impressed with the importance of such an institution, have never felt the force of an objection to its present establishment on the ground of expenditure. The necessity for prudence and economy in the present exigencies of the State is sensibly appreciated, but the Committee think the object to be accomplished rises above the objection. A comparison of the property and taxes of Alabama with the property and taxes of some of the most flourishing States of the Union, will leave us little cause to complain that we are heavily burdened.

But your Committee do not think the establishment of an asylum will be considered as an ordinary act of appropriation, to be made or withheld on strict rules of economy. They look upon the protection of our afflicted people as the duty of the State, as high, as obligatory, as that of securing to her citizens the enjoyment of liberty and estate.

The Committee instruct me to report the following bill to establish a State hospital for insane persons in Alabama.

Said bill was read and ordered to a second reading.

Miss Dix was present in the Legislature when the bill was taken up and discussed. It would no doubt have passed at the session of 1849, but for the burning of the Capitol. At the next session, however, it was passed, and the institution located at Tuscaloosa, where it has received the fostering care of Drs. Searcy and Guild, of that city, and of Dr. Mabry, of Dallas, who have taken much interest in it.

The building has been costly, under the plans furnished by Dr. Lopez, of Mobile, the agent sent North for the purpose of procuring designs. It is an honor to Miss Dix who proposed, and to the Legislature which established it.

Some three or four years before she presented her memorial at Montgomery, Miss Dix visited Tuscaloosa on a mission of the kind, while making a tour through the States where no similar institutions had been provided, and collecting information as to the duty and wants of Alabama in this respect. While in the city she was the guest of Chief Justice Collier, and it was at his house I formed her acquaintance, and was enabled to judge somewhat of her extraordinary purposes. The idea of devoting her life and energies to the alleviation of the unfortunate class who had been deprived of their reason, was inspired by the condition of a dear female friend of hers, who had become deranged, to whose relief she for sometime devoted her powers. Then her philanthropy took a wider range, and embraced the whole United States, not only by setting on foot the establishment of asylums

where the insane could be collected and cared for, but in visiting penitentiaries and prisons, and inspecting them with a view to improvements in their sanitary and moral condition.

She visited the Penitentiary of Alabama, and turned things about, pointing out many defects, and suggesting improvements. She furnished the first library to that institution which it ever had—the moral culture of the convicts, through books, having been theretofore wholly neglected. Her efforts were untiring. She seemed to feel that she had an important mission to perform, and had no time to lose. Her object was information upon, and coöperation in her work. That she accomplished much by her efforts, the establishment of asylums for the insane in *every State* where they were wanting, fully attests. Not only so. She elevated the character of prison treatment and discipline, in all the States. Everywhere she went, she was regarded with the most profound respect, as the *Howard of America*.

Miss Dix traveled alone, from place to place, in public conveyances, without an apprehension. Everybody seemed to know her, or to be awed into respect by her presence and mission. At the time I saw her, she was a little past the meridian of life—tall, slender, and dignified, with a strongly marked intellectual face. She was modest as a lady of rare intelligence and merit; but in the performance of her mission, and the great good she accomplished, she exhibited masculine powers of no ordinary mould. She had a private income, or annuity, that supplied her personal wants and expenses, and was no tax upon the public. She was a sister of Gen. John A. Dix, of New York, formerly a Senator in Congress, and a man of great prominence in the political world. Whether she still lives, or whether her useful career has been terminated by death, I am not prepared to say. At all events, her record is a bright one in the annals of humanity.

#### ELECTIONS.

Several important elections were had, the principal one being that of United States Senator. This always formed an animated occasion, particularly when two were to be elected from among active aspirants. The length of the term, and the political influence wielded by a Senator, and the advantages that might accrue to the minority, were counted with vigilance, and frequently overestimated.

Col. William R. King was, in 1848, appointed a Senator in place of Gov. Bagby, resigned, and Gov. Fitzpatrick occupied the place made vacant by the death of Mr. Lewis. The defeat of Gov. Fitzpatrick, in 1849, by Mr. Clemens, is stated in the notice of the latter gentleman.

In the other contest, three candidates were placed in nomination by their respective friends, when balloting was had as follows:

|                        | 1st ballot. | 2d ballot. | 3d ballot. |
|------------------------|-------------|------------|------------|
| William R. King.....   | 57          | 59         | 71         |
| Reuben Chapman.....    | 15          | 13         | withdrawn. |
| Arthur F. Hopkins..... | 58          | 59         | 58         |

Col. King having a majority of the whole, was declared duly elected for a term of six years.

For Judge of the Ninth Circuit, John J. Woodward, Jefferson Falkner, and Robert Baugh, Esqrs., were placed in nomination, and upon the sixth ballot—the name of Mr. Baugh being withdrawn—Mr. Woodward was elected.

Of the candidates not elsewhere noticed, a brief sketch is here given, in observing the custom of the writer to furnish pictures wherever he happens to fall in with the originals.

REUBEN CHAPMAN, Governor since 1847, until the inauguration of Gov. Collier, retired from the Executive with a spotless character. Like his immediate predecessor, he held the office only two years, and saluted the Legislature with only one annual message, and that was at the opening of this session. It is a state paper of considerable ability in the discussion of the political questions then before the country, growing out of the war with Mexico, or rather the acquisition of Territory from that Government by the treaty of peace. These questions are discussed with the clearness and ability of a statesman of no ordinary caste, and this message will pass into history as a far-seeing exposition of the danger to which the Territorial question was likely to subject the interests of the Southern States in the future assumptions of the Federal Government.

In the administration of the affairs of the State, Gov. Chapman displayed Executive abilities fully equal to any emergency that arose. The management of the Banks was mainly in the hands of Mr. Lyon, who was fully equal to the trust committed to his hands; and the original policy of Gov. Fitzpatrick was yet developing in the steady work of liquidation. Gov. Chapman watched with a scrutinizing care every branch of the public interest, and encouraged and practised fidelity and frugality in the discharge of public duties.

Soon after his inauguration in 1847, he gave a public reception and an entertainment at the Montgomery Hall, which was largely attended. It was gotten up on a scale of liberality and bounteous hospitality beyond any entertainment by a Governor for many years, and was enjoyed with general glee and good will. The

Governor and his accomplished lady were comparatively strangers in East-Alabama; and while the occasion afforded a good opportunity for them to extend it, the visitors and attendants were pleased, more with the courtly character of the reception, than the abundant provision for convivial enjoyment.

Gov. Chapman was by no means unpopular with the people as the cause of being set aside, and not reëlected. The masses, especially of his own party, had great confidence in him, and regarded him with favor as a public servant. The men of the party who had secretly favored the election of Gov. Martin over Col. Terry, and had adhered to his gubernatorial interests, were offended at his being dropped at the end of his term, and determined that the precedent of a one term Governor should be followed, at least in this case. Had not Gov. Chapman, in his magnanimity, waived the customary right to a reëlection, and requested a Convention to be called to settle the question, he would have been Governor another term. But the politicians controlled mainly in the Convention, at least so far as to prevent his getting the required majority of two-thirds. The people submitted to the Convention; but there was little sympathy with the action of that body in throwing overboard a long-trying and faithful public servant, who had become fully identified, not only with the Democratic party, but with the people of the State, by a long residence, and an open, upright, and effective discharge of public duty.

Connected, as the writer has been, with Gov. Chapman in public life, and knowing the correct principles which governed his official conduct, and the popular feeling toward him, he could not in justice withhold the testimony here given.

SILAS PARSONS, at the session of 1849, was elected Judge of the Supreme Court, without opposition, to fill the place vacated by Gov. Collier. He resided at Huntsville, and was the first Chancellor elected for the Northern Division, in 1838, but declined the office. He remained on the Bench only two years, when declining health, the result of intense application to his official duties, obliged him to retire. He carried with him in private life the profound respect of the Bench, the Bar, and the country, for his ability as Judge, and for the purity of his character as a man. In a few years after his resignation, he died, much regretted by the public.

Judge Parsons was a Kentuckian by birth, and settled in Alabama to pursue the law as a profession, when a young man, and made such improvement upon the very ordinary advantages of his early life, that he rose to eminence at the bar. He was a brother of Gen. Enoch Parsons, a distinguished lawyer who resided at Claiborne, and who, in 1835, was the Whig candidate for Governor

in opposition to Judge Clay; and of Gen. Peter Parsons, for many years a prominent lawyer and politician in East-Tennessee.

In person, Judge Parsons was tall and slender, with a quiet, thoughtful face, equanimity of temper and feeling. In manners and dress, he was inclined to be negligent, doubtless from his devotion to books, and to his professional labors. His intellectual faculties were of a high order, although concealed from the casual observer by an address almost approaching to dullness and insipidity. He belonged to that class of men upon whom Nature has bestowed rare gifts, without mixing with them any taste for the refinements of society. To see him and Judge Dargan sitting together in the Supreme Court room, waiting for some case to be called in which they were rivals in the argument, a stranger to both would naturally conclude that the parties litigant had chosen their counsel for inertia of appearance, rather than from any other consideration. But let either rise to his feet, to address the Court, and open his case, a new vision was presented. Then the superior mind, the profound learning, the forcible, sustained logic, riveted the attention of all, and a gleam of light played upon the features of the advocate, entirely displacing the dullness of repose. It is said that appearances are deceptive, and in confirmation of this maxim, Judge Parsons was a notable instance.

JOHN J. WOODWARD was a South Carolinian. He settled at Talladega as a lawyer about the year 1838. For some time, he was connected with the publication of the "Watchtower," a Democratic paper. In 1847, he was elected to the House, in which body he established a character for legislative capacity, and for high-toned qualities as a gentleman.

In 1853, he was elected Solicitor of the Ninth Circuit, and was reelected in 1857. Upon the commencement of hostilities in 1861, he entered the service of the Confederate States as a private, and was elected Colonel of a regiment, at the head of which he distinguished himself for bravery in several engagements. At the battle of Dranesville, in Virginia, he fell while leading a charge against the enemy, and the career of a gallant and warm-hearted man thus forever closed. His memory will ever be cherished with fond admiration by his many friends.

JAMES A. STALLWORTH, elected Solicitor of the Second Circuit, was returned to the House from Conecuh county in 1845, and was reelected in 1847. In 1853, he was reelected Solicitor.

He was regarded as a rising young man, developing rapidly as a lawyer and public speaker. In 1855, he was the nominee of the Democratic and Anti-Know-Nothing party for Congress in the Mobile District, but was defeated by Mr. Percy Walker, after an

animated and exciting contest. In 1857, he was elected to Congress as the Democratic candidate, and reëlected in 1859.

In the meantime, his aspirations for popular favor, and his convivial personal associations, brought upon him an unfortunate habit, the deadly snare of genius and popularity, which consigned him to an untimely grave in 1862, before he had reached the meridian of life.

Col. Stallworth was a native of Conecuh county, and connected with a large family influence. He possessed talents of no ordinary character; but grew too rapidly in public favor, after entering the political arena when quite a young man, to allow the proper training for its consistent development, by close application. He was an agreeable speaker, and discussed the questions of the day in such a manner as to convince the masses of his attainments, which as yet were imperfect. He had a good person, remarkably kind face, and social qualities of a rare type, which he had well cultivated, which, all together, made him what is termed a "popular man." He was charitable, kind-hearted, and generous, full of good humor, and told and enjoyed an anecdote with remarkable *gusto*. His age was a little past twenty-one when first elected to the Legislature, and his race was ended in seventeen years, in which time, as his record shows, he filled many positions of honor and trust. His star rose rapidly, and blazed brightly across the political horizon; but too soon for himself and his country, it was extinguished in a premature grave.

May the fate of this young orator and statesman convey a salutary lesson to the young men of the State, to be always on their guard against the insidious approaches of the foe which proved his ruin. A voice from the tomb can almost be heard, saying—Taste not, handle not the dangerous element of moral and intellectual slaughter!

JOHNSON J. HOOPER was born and raised in North Carolina. It has been generally reported that he was a grandson of William Hooper, one of the signers of the Declaration of Independence in 1776. He was a collateral kinsman, his father, Archibald McLaine Hooper, being the son of George Hooper, of Wilmington, who was a nephew of the distinguished signer and Revolutionary patriot. Mr. DeBernier Hooper, of Fayetteville, a gentleman of high moral worth and literary attainments, is a brother of Mr. J. J. Hooper.

After a stubborn contest in the Legislature, at the session of 1849, Mr. Hooper was elected Solicitor of the Ninth Circuit, over Messrs. Bowie, Latham, Spyker, and Presley, his competitors. At the end of four years, when his term of office expired, he was a candidate for reëlection, but was defeated by Judge Woodward.

He afterward established the "Mail" newspaper, which was for awhile the organ of the Whig party, taking the place of the "Alabama Journal," and acquired a large influence. In 1860, the paper went into the support of Mr. Breckinridge for President, and assumed an extreme position on the leading questions which progressed in bitterness between the North and the South.

When the Provisional Congress of the Southern States met at Montgomery, in February, 1861, Mr. Hooper was elected Secretary of that body, and continued to hold the office until the organization of the two Houses of Congress at Richmond, after the Confederate Government was formed under the Constitution, and was defeated for Secretary of the Senate. He never returned to Alabama. The convivial habits which had been growing upon him for several years, increased no doubt by his defeat, terminated his life in 1863, while he was comparatively in the vigor of his days.

The associations of Mr. Hooper, and his great fund of wit and humor, which made his society much sought and enjoyed by the lovers of fun, had never tended to a very moral course of life, and the subject of religion seemed never to have entered his thoughts, or at least never had any perceptible influence on his conduct. But it is said that, when his last hours drew near, he became deeply interested for the salvation of his soul, and in this extremity, he sent for a Catholic priest, to whom he confessed, and who administered to him the sacraments of the Church prescribed for such occasions. The humble penitent had seen the error of his ways, and it is hoped that he died at peace with God and man.

The character of Mr. Hooper was peculiarly marked. He first edited the "Whig," or some paper of like politics in East-Alabama. His articles giving the experience of a census-taker in 1840, when the old women flourished their broomsticks on being interrogated in regard to their poultry, dairies, and "garden truck," were so humorous and natural that they were copied into nearly all the papers of the South, and afforded general amusement. Then followed "Simon Suggs," which was a delineation of character, bad enough no doubt in the original, but highly embellished and aggravated in the romance, with scenes, occurrences, sentiments, and other details of a cunning, unprincipled man, whose art, in the perpetration of fraud, was greatly assisted by the cant and hypocrisy of a pretended piety and church membership! This work was published by Messrs. D. Appleton & Co., of New York, and the volume had a very extensive circulation. Thousands and tens of thousands of readers have laughed over it, and the grotesque situations and characters introduced; but probably not one of them all has had his reverence for virtue increased

by the perusal. While Mr. Hooper gained celebrity as a humorist, he lost something of a higher value in public estimation. His own authority will be here given for the effect.

In December, 1856, a Southern Commercial Convention was held in Savannah, to which Mr. Hooper and other gentlemen from Alabama were delegates. His arrival was announced in the city papers in terms quite complimentary, as the author of "Simon Suggs," that inimitable production so popular throughout the country. When the Convention met in the Atheneum, and while the Mayor was in the chair, waiting for the committee to report officers for permanent organization, Judge John A. Jones, of Georgia, himself a wag and humorist, formally moved, in presence of the six or eight hundred delegates, that Simon Suggs be called upon to give an account of himself for the last two years. The Mayor, with great politeness, put the question, and on its being carried in the affirmative by a unanimous vote, he requested "Mr. Suggs," if present, to comply with the expressed desire of the Convention. There sat Mr. Hooper in the pit, wrapped in a green blanket coat, near Albert Pike, of Arkansas, as if overwhelmed by the pressure. From the character which his writings inspired, he was supposed by everybody to be always ripe for a frolic, and for a roar of merriment, and that he was as good at telling stories as in writing his droll descriptions, and thankful for the privilege. He stirred not an inch. More than a thousand persons, in the galleries and elsewhere, were on the tiptoe of expectation at hearing "Simon Suggs" deliver his convulsive jokes. But the feast came not, when the entrance of the committee put an end to the embarrassment of Mr. Hooper.

This call by Judge Jones was referred to at the hotel, in presence of Mr. Hooper, as an evidence of the popularity of the latter, even out of his own State. He replied that a liberty had been taken with his name which was really offensive, as showing that others looked upon him as a mere story-teller, with nothing solid in his composition. He confessed and regretted that his writings had established that character in public estimation, and that he felt its depressing influence whenever he desired, or aimed, to soar above it, to a higher rank before the public. His ambition had been to move in quite a different channel, to enjoy the respect of men; but he had unfortunately obtained a reputation which cut off all such hopes. It was an evil day to his fortunes and to his happiness when he embarked in that class of literature, or otherwise became a *chronic* story-teller for the diversion of his companions. He said it was probably too late to rectify the blunder, and that he must continue to suffer the consequences.

For once in his life, Mr. Hooper appeared to be in earnest, while deploring his *notoriety*. There is a salutary moral in his

experience which, it is hoped, may have the effect on others to cultivate habitual self-respect and a due regard for public opinion, while cherishing at all times lofty feelings and resolutions to possess the gold of character, without the alloy which defeated the genius of Johnson J. Hooper. Here let him stand as a beacon-light, to give warning of the rock on which the manly ambition and hopes of his youth perished.

Mr. De Bernier Hooper, of North Carolina, having been mentioned as a brother, it is proper to introduce here the name of George D. Hooper, Esq., also a brother, a worthy member of the legal profession, now residing at Opelika. For a number of years, Mr. George D. Hooper was a citizen of Russell county, where, at Crawford, the county-site, he pursued the law as a vocation, and enjoyed a large degree of public favor. He was a member of the State Convention in 1865, and assisted in framing the Constitution of that year.

MILTON S. LATHAM, defeated Solicitor, was a law student of Judge Heydenfeldt, then of Russell county. He came to the State a young man and a stranger, and for a time engaged in teaching school. He was a gentleman of quiet, rather steady deportment in this canvass, and maintained throughout the evidences of much self-respect. He had a comely person, well-developed, and dressed neatly.

A few months after his defeat, Mr. Latham called in the Capitol, on his way to California. A gentleman conversing with him expressed his surprise at his going. He replied that he would not live in a State where Johnson Hooper could beat him for Solicitor. He went to California, and in a year or two was elected to Congress, and served a term in the House of Representatives, upon the expiration of which he was nominated by the Democratic party, and elected Governor of the State. Soon after his inauguration, he was elected by the Legislature a United States Senator for a term of six years.

Seldom has a young man in this country made such strides in the line of honorable preferment as Milton S. Latham. His speeches while in Congress were of a very respectable character. Indeed, his whole career stamps him at once as being no ordinary man. He entered the list in that far-off State, where every avenue leading to preferment was crowded with aspirants—many of them old and experienced politicians—and yet he outstripped them all, and took the first position in the State, while yet a young man. He is now a banker in San Francisco, and among the foremost in large financial enterprises.

ANDREW BOWIE is a lawyer of Talladega, and a South Carolinian by birth and education. He is a son of the late Chancellor Bowie, and has always been regarded as a gentleman of solid worth, and has attained a prominent position at the bar.

WILLIAM S. EARNEST, of Jefferson, was in 1851 elected a member of the House, and served through the session in a very creditable manner, taking part in the proceedings and debates of that exciting period.

In 1853, he was a candidate for Governor against Gov. Winston, receiving 10,157 votes. He advocated a system of internal improvement, with the aid of the State. In 1860, he supported John Bell for President, and was elected a delegate to the Convention of 1861, and voted against the Ordinance of Secession. Mr. Earnest was from East-Tennessee, and is allied to a large family connection and influence in Greene county, the founder of which settled there about the close of the Revolutionary War. He came to Alabama in 1834, and has succeeded very well in his vocation as a lawyer.

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## CHAPTER XXIX.

### *Personal Sketches of the Legislature of 1849.*

In adhering to the plan of this work, it is necessary to notice a number of gentlemen who served at the session of the Legislature of 1849, not heretofore included in the sketches. Among these are four Senators:

WILLIAM S. COMPTON was elected in 1849, from Morgan and Limestone, and served only one session. He had held the office of Judge of the County Court, and was for some time Teller, and afterward Cashier of the Branch Bank at Decatur. His feeble health, while in the Legislature, made his intercourse with his fellow-members rather limited; but he possessed financial views and attainments which rendered his services valuable in that department of Legislation, and gave direction to the policy first adopted in chartering the Southern Bank, which gave to the people

of Alabama banks of the best character, and a sound circulating medium.

His health continued to decline, and he subsequently removed to Texas, where, in a few years, he died. He was a respected member and minister of the Methodist Episcopal Church, and a Christian gentleman of unpretending piety and rare merit.

CADE M. GODBOLD was elected to the House from Baldwin county, in 1837, and reelected in 1838. In 1849, he was returned to the Senate, and served one session. Upon the election of Mr. Pierce as President, he was appointed United States Marshal for the Southern District of Alabama, and continued to hold the office until the passage of the Ordinance of Secession, in 1861.

Col. Godbold has also been extensively engaged in business, in and about Mobile, and was, for several years elected by the Legislature a Director in the Branch Bank in that city. He is a South Carolinian, with business habits and qualities of a respectable order, and was faithful in the discharge of his public duty. While in the Legislature, he seldom or never spoke upon the floor, unless in explanation of some report from committee. He was a Democrat, firmly and understandingly devoted to principle, and in a quiet, conversational, ordinary way, wielded no little influence in the counsels of his party. He now resides in Mobile.

L. R. DAVIS, of Limestone, was elected to the House in 1849. He was a son of Capt. Nicholas Davis, the veteran Whig leader, and had the same politics. When the son began his first service in the Capitol, such men as Capt. Abercrombie, George N. Stewart, Robert Jemison, Gen. Dent, and Dr. Ware, were in the front rank of the Whig party, then in its greatest prosperity, as proved by the election of Mr. Clemens to the United States Senate, over Gov. Fitzpatrick, which was conceded to be a Whig victory. Mr. Davis, by his fine talents and address, contributed no little to the success of his party. At the same session, the Whigs also elected Johnson J. Hooper, Solicitor, over several Democratic competitors.

Mr. Davis was again returned to the House in 1861, finding a great change in political classifications. Instead of Democratic and Whig, Union and Southern Rights, or Fire-eaters as they existed ten or twelve years previously, he beheld all former party distinctions obliterated, and all standing shoulder to shoulder in support of a common cause for self-government. Though probably not sanctioning the first steps, yet when the secession of Alabama was declared, Mr. Davis gave his heart and his exertions to his native State, and to the Southern movement.

He married a daughter of Capt. Abercrombie, and now edits with ability the "Limestone News," published at Athens; a faith-

ful co-laborer with the Democratic and Conservative party. He is a gentleman of the loftiest character, inherited from a noble ancestry.

GEORGE W. GUNN, of Macon, succeeded Mr. Scott, and served a term of four years. He is a lawyer, and a minister of the Baptist order; and belonging to both professions, it will readily be concluded that he had the gift of speech; and indeed, this was true, and it was equal to any ordinary demand.

Mr. Gunn was efficient as a legislator in the preparation of business, and he never hesitated in explaining or defending his reports and positions, or attacking those of others if they did not suit him. In 1851, he reached the prominent place of Chairman of the Judiciary Committee, and applied himself assiduously to its onerous duties. He was a Whig, and at this time his party had the ascendancy in the Senate, which afforded him, in his position, a wide field of action as a debater, and as a leader in business, which was fully occupied.

On the death of Mr. Nathaniel H. Clanton, the Senator from Macon in 1855, Mr. Gunn was elected his successor, and served through the balance of that session with his usual efficiency. His extensive reading, and fine business qualifications, enabled him to grasp the subject-matter of a proposition readily, and his powder being always dry, he seldom missed fire when he took the floor. His close attention to business had detracted somewhat from his cultivation of manners, and his social qualities, except in the domestic circle, when business was laid aside, and then he could make himself quite agreeable. He still resides in Macon county, engaged in the practice of the law, among a people who often honored him with their confidence, and to whose interest he was always true.

LEONARD TARRANT, of Talladega, took his seat in 1849, and served four years, participating freely in the proceedings and labors of the Senate, though he seldom engaged in debate. He had been a member of the House, from Shelby, in days gone by, and filled the office of Judge of the County Court of that county.

Upon the execution of a treaty with the Creek Indians in Alabama, President Jackson appointed him Agent to superintend the sale of their reservations by the heads of families of that tribe, and in this labor he was engaged for two or three years. The duties that devolved upon him were responsible and delicate, in standing between the land-buyers, with their cunning, and the ignorant Indians, and fully tested his character for unswerving integrity in the difficult path, both by temptations and bribes on the one hand, and threats on the other. The President's confidence was unshaken, and Judge Tarrant finished his task.

It was said in those days, that in conversing with a gentleman on the subject of the Creek lands, and the allegations of corruption and collusion between agents and purchasers, President Jackson remarked, that every agent he had commissioned had disappointed him, except one, and he was a Methodist preacher. That preacher was Judge Tarrant.

Up to 1836, he had been a Democrat; but in that year he espoused the cause of Judge White for the Presidency, and became in full alliance with the Whig party. His convictions were strong and decided, with some of the weakness of prejudice and self-esteem in political opinion and action, so that he became firmly fixed and settled in his opposition to the Democratic party, and gave the whole influence of his character to war upon it. But this was the result of honest conviction and patriotic purpose, so far as these could govern in the mind of one in array against principles which he had espoused and supported for a life-time.

Judge Tarrant was a minister of the Methodist Episcopal Church, and maintained through many years a probity of Christian character and position of usefulness which gave caste and beauty to his example; and after laboring to a good old age in the sacred desk, he died, leaving an unsullied name to the church and to the world, in both which he had acted no ordinary part. A good savor is diffused by the memory of such a man.

In the House of Representatives, sixteen members remain to be noticed in such manner as the facts seem to authorize.

THOMAS BRAZIER, of Shelby, was elected to the House in 1847, and again in 1849. He had repeatedly occupied places of public trust in his county, and was a man of much practical experience in business, having grown to middle age in the industrious pursuits of life, which had brought him a good return.

He was for many years a leading man in Shelby, especially with the Democratic party, of which he was a member, and in the maintenance of his principles, firm and unyielding, which gave decision and tone to his character. He was active and attentive to his public duties, and represented well that class of plain, sensible men who are at all times an accession to the Legislature, and faithful to the public interests. Mr. Brazier was a State Rights man, and warmly devoted to the rights and interests of the South. He died a few years ago.

THOMAS R. CREWS, of Sumter, was a member of the House only at the session of 1849; but he is certainly entitled to a place in these "Reminiscences." He was a planter and a Christian gentleman, well educated, well read, affable in his deportment, and

faithful in his friendships. Few men possessed more the elements of a useful, energetic citizen and Legislator. He was from North Carolina, and exhibited, in his manner and bearing, much of the caste of that people.

Mr. Crews was afterward elected Judge of the Probate Court of Sumter county, the duties of which he discharged with efficiency until the Summer of 1865, soon after which he died. For a long time his health had been declining, and for years, even in the Legislature, he was weakly and delicate, yet always cheerful and hopeful. There was a fire in his eye, and an innate activity of thought and conception which kept him up when others would have failed. He was a prominent member of the Methodist Episcopal Church.

FREDERICK F. FOSCUE, of Coosa, was a young lawyer, elected to the House in 1849 for the first time, but had been a candidate in 1847, when he was beaten a few votes. In 1853, having married, he removed to Marengo county; and being a Democrat, although in a county where parties were about equally balanced, his abilities as a stump speaker, and tact in winning votes, brought him forward for the House, and he was elected upon a divided ticket, with Dr. M. W. Creagh, and served through that laborious session with ability and success.

Soon after the session of 1853, Mr. Foscue removed to Texas, and settled in Smith county, where his force of character, already formed, brought him forward as a candidate for the Legislature. During the canvass I received a letter from him, in which he said that he was in his usual avocation, leading a "forlorn hope." But he succeeded in beating down opposition to his principles, and went to the Legislature, and entered heartily into those measures which resulted in the Ordinance of Secession. His efforts did not stop here. He gave his services to the cause of the South, and, like many others, lost all upon the result.

Mr. Foscue was a native of North Carolina, and was probably connected with the extensive family name in Jones county. In Wheeler's History of North Carolina, it is shown that Frederick Foscue, in 1806—Lewis Foscue, in 1818 and 1819—and Nathan Foscue, in 1832, 1833, and 1834—were members of the Legislature in that State from Jones county.

His mind was tolerably well cultivated, and he was industrious in acquiring information relative to his duties as a legislator. His lessons of life, in its earlier aspects, were taken from a stand-point not calculated to impress him favorably with the distinctions which exist in society; and thus he no doubt imbibed prejudices which gave tone to his character in the future. He had rigid notions of Government, its Constitution, its purposes, and the relative duties

of the people. He was not an agrarian in practice, but he required every man to perform service alike, without consulting the taste or convenience of society. Hence, he introduced, and had passed through the Legislature, a bill repealing all exemptions from road duty in Coosa county. The effect was to put a stop to preaching, and school-teaching, and grinding at the mills, on the days the roads were to be worked. At the next session, however, this law was repealed.

Mr. Foscue was scrupulously exact in voting, and favored no measure of policy, or appropriation, that did not come up to the standard of his ideas of right. The Compromise measures of 1850 excited his bitter opposition, as discriminating against the South, and gave a turn to his political views and feelings. He still resides in Texas.

GEORGE W. GOLDSBY, of Perry, was a lawyer, son of Colonel Thornton Goldsby, of Dallas, a gentleman of large enterprize and estate. He was highly educated at one of the Northern colleges, and, like many other young men raised in the South in those days, had too much to lean upon for a support, to develop properly his energies. He was elected in 1849, and reelected in 1851, and a few years thereafter he died.

Mr. Goldsby was a gentleman of modest, unpretending address, and possessed a good heart, a kind disposition, and talents which, had he been thrown at once upon his own resources, would have worked his way to improvement, and probable distinction.

BENJAMIN L. GOODMAN, of Chambers, was a member only through the session of 1849. He was a Georgian, and a Whig, settled early in Chambers, and had success as a lawyer. In conversation he was quite showy, and was quite pretentious, especially at the bar, where he was bold and positive in manner—a quality from which he derived so much practical benefit that it became his *forte*.

In the Legislature, Mr. Goodman took an active part, which his age and experience in political and professional life enabled him to sustain, so that his influence was felt and acknowledged. He was a ready, effective, though not a pleasant speaker, having taken his lessons mostly in the school of practical expediency. He removed to Texas not long after the session, with a large property acquired in an active career of law practice and trading, and in a few years he died.

BOLLING HALL, of Autauga, is a Georgian by birth, and a son of the Hon. Bolling Hall, who was a Representative in Congress from that State from 1811 to 1817.

Mr. Hall was returned in 1849, and took the seat formerly and for many years occupied by Gen. C. M. Jackson, and brought to the discharge of his public duties a mind well improved, and well informed on the general topics of legislation and State policy. He was reëlected in 1851, and took a leading part in the deliberations and tactics of that session. Again, in 1853, he was returned by a confiding constituency, and his experience and talents placed him in the front rank of the active, influential and working members of the House.

In 1860, Mr. Hall was brought out and supported by the coöperationists, headed by Gov. Fitzpatrick in Autauga, for a seat in the Convention, but was beaten a few votes by Dr. Rives, his secession opponent. On the passage of the Ordinance of Secession, however, he went with the State, and gave several sons to the service of the Confederate States, besides devoting himself in many useful ways to the same cause.

He resides in Elmore county, a planter, a gentleman of a high order of intelligence and integrity of character. He was raised in Autauga from his youth. There have been few party conventions in the last quarter of a century, within the range of his legitimate sphere, in which he has not participated, always prominent, and able to sustain himself in debate upon the floor in the discussion of political questions. He is now under disabilities, in common with many other gentlemen; but still he has his influence, and retains undiminished the confidence and respect of his fellow-citizens.

JOHN T. HILL, of Sumter, served only at this session of the House, and filled a respectable place in its proceedings. His merit is indicated by his being appointed Chairman of the Committee on Internal Improvement, an important one at this particular juncture. He was a lawyer of fair attainments, was a Brigadier-General of Militia, with an attractive person and address. His face carried the evidence of amiability, and he acted at all times with quiet thoughtfulness, rather slow in his movements, but seldom behind time.

In his day, General Hill was a leading Democrat, and exerted considerable influence in his county, but was more wedded to professional than public life. He had a fondness for ease, and with a pipe loaded with good tobacco, he enjoyed social intercourse, conversed well, but slowly and cautiously, with a marked precision of language. He was raised and educated in North Carolina, and was a fine specimen of the gentleman of that State. He died many years ago.

THOMAS E. IRBY, of Wilcox, a native of South Carolina, had served with distinction in the Mexican war, and was a young man of fine personal appearance, taking his seat under favorable auspices.

He was a planter, liberally educated, and was a good debater, presided often and well temporarily, in the Speaker's chair, and altogether justified the expectations that were entertained by his friends. His social qualities had been well cultivated, making him the centre of the circle of younger men, to which class he belonged.

In 1857, having removed to Dallas county, Capt. Irby was again elected to the House, and reelected in 1859. He had matured greatly in size and mental vigor, as well as in position. He allied himself with the extreme wing on Southern questions, and was active in the prosecution of his purposes. This was particularly the case in the State Convention of 1860, in which there was antagonism and political strife. In the deliberations, he exerted no little influence and tact. When the war opened, he at once took the field, and proved a gallant champion of the Southern cause. He was advanced to the command of a regiment, and in one of the battles of Virginia he was killed—sealing with the blood of a noble, brave man, his devotion to his principles.

REUBEN McDONALD, of Baldwin, served in the House at the session of 1847, and again in 1849. Being a bachelor of respectable age, he concluded to marry, and try the consolations of private life, and did not appear again in the Legislature until 1861.

Mr. McDonald possessed traits of character which entitle him to remembrance. He was a rigid Democrat, even to stubbornness, and when he had an object to accomplish, he knew no such word as fail. Thus, in canvassing for a seat in the Legislature, and living on the coast, where many of the people could be reached by creeks, bays and inlets, he would load a craft with things *useful to a candidate*, and very convenient to extend his acquaintance and gain favor, making his trips to the Perdido, and up the streams, and all about where people were to be found, and then he distributed his cargo with such pleasant hospitality and goodwill, that votes were his sure reward. His pursuit of the *sovereigns* dispersed in the different sections of his large, and, to a great extent, thinly populated county, was most untiring, and he never considered his work done as long as one vote was in question.

If Mr. McDonald had his partialities, he had also his dislikes, but never to the detriment of the public prosperity, to which he contributed his time and his energies.

MOSES MCGUIRE, of Tuscaloosa, had a popularity, and a hold on public favor, which was so established that he either had the

course to himself when racing for office, or, if any one ventured to compete with him, he was distanced to such an extent as to discourage any future hope of obtaining office before the same constituency. He was Clerk of the County Court when I first knew him, in 1837, a place he retained, by successive elections, until 1845, when he sought a change by offering himself a candidate for Sheriff. Of course, he was elected, in spite of all the influences and combinations, for political effect, which could be brought to bear against him. He was a fixture, which no man could move, however herculean his strength on the hustings. The people stood by Mr. McGuire and cheered him on to victory, without his having to vary from the strictest line of rectitude enjoined by his membership in the Baptist Church.

Mr. McGuire was a Democrat, and such was his weight of character, that he was elected to the House of Representatives in 1849, on a divided ticket, with Messrs. Jemison and Perkins, Whigs. His long experience in the details of county police regulations was a gain to the House relative to the Probate Court system, then about to be established. He was a useful, diligent member throughout the laborious session, always at his post, always in a good humor, and always voting with a sound judgment. Such was his legislative record.

In 1850, when the election of Judge of Probate was given to the people, Mr. McGuire was a candidate for that office, which was tantamount to an election. He continued to hold that place, with renewals at the ballot-box, until after the war. In 1865, he was elected to a seat in the Convention which formed the Constitution of that year. Having held office so long before the organization of the Confederate Government, and during its existence, he is of course loaded with political disabilities, which must in future deprive the public of his valuable services, unless he shall be relieved by the pardoning power.

The question may be asked, What was the secret of his success throughout the whole thirty years in which he was Clerk, Sheriff, Representative, and Judge, in Tuskaloosa county, without ever having been defeated in any election before the people? The answer is, that he was an honest, upright man, with a kind heart, a courteous address, and a friendly smile which pleased everybody, and convinced everybody that he was true and faithful. He was always to be found at his office, at all proper hours. He never loitered at the corners of the streets for idle conversation, but went directly from his office to his dwelling, and returned to his office, which he always kept in a neat condition, the records all beautifully complete, and all his papers so arranged that when he was called upon for any information, or for any paper, he could lay his hands upon it instantly. He made no charges for trifling ser-

vices, or for mere accommodation searches, nor would he receive the regular fees of his office from a poor widow, or a needy person. In this way he performed much gratuitous labor. His sympathizing nature, and not policy, dictated his acts of generosity.

With such traits of character, it is no wonder that Judge McGuire was a favorite with the people, loved by all without regard to party distinctions, and triumphant in every canvass. Perhaps no parallel of the kind can be found in Alabama. He still resides in Tuscaloosa, one of its most honored and useful citizens.

WALKER REYNOLDS, of Talladega, was selected by the Whig party, of which he was a member, to head their ticket in 1849, that they might have the influence of his name to assure success. An additional reason was, to secure his services in the Legislature in locating the route of the Selma and Dalton Railroad, which had not then been determined—so far, at least, as Talladega was concerned. Both purposes succeeded. Col. Reynolds was elected, leaving all other candidates behind, and thus Talladega got the road. It is saying nothing in derogation of his colleagues when the fact is stated, that by the advantages afforded by his extensive acquaintance, and the wealth he was known to possess, and consequently the material aid he could bring to the enterprise, enabled Col. Reynolds to accomplish the result of giving to the county, whose interests he so faithfully represented, a railroad running through its entire length.

Col. Reynolds, was no public speaker. He left that to other men. But his fine practical sense and untiring energy, backed by his wealth, achieved a great deal for the benefit of his constituents, and of the State. He contributed by a liberal subscription to this great work, and was, for a time, President of the road company, serving its interests with skill and fidelity in a trying crisis of its affairs, leading through all the troubles without sacrificing the small stockholders, as they were threatened at one time. This information I had from a stockholder of the road.

After the session of 1849, Col. Reynolds was not again in public life, but devoted his mind and energies to planting and milling operations, in which he was successful, so that in 1860 he was justly regarded as one of the wealthy men of the State. His elegant mansion on Wewokee was the seat of generous and unrestricted hospitality, dispensed under his supervision, aided by his accomplished lady and daughters.

In 1860, he adhered to the old Whig organization, and supported Mr. Bell for President, and opposed the policy of secession; but after the passage of the Ordinance, he entered fully into the

new movement, and his contributions to the support of the Southern cause were counted by thousands and tens of thousands.

Col. Reynolds was a Georgian by birth and education, and commenced life without patrimony. His eminent success in the acquisition of property is evidence of what may be accomplished by well directed effort, backed by a resolute will and untiring energy. He was a leading member of the Baptist Church, and died about the first of the present year, (1871.)

ROBERT H. SMITH, of Sumter, was born and raised in the town of Edenton, North Carolina, where he was liberally educated, and admitted to the bar. He came to Alabama in 1835, soon after attaining his majority, in search of a suitable location for the practice of law. His maiden speech in Court was in Erie, the old county-site of Greene, at the Fall term of 1835, Judge Collier presiding, where a prisoner by the name of Curry was arraigned for killing his brother. The accused was too poor to employ counsel, and the Court appointed William G. Jones, Robert H. Smith, William B. Davis, and Stephen F. Miller, Esqrs., all young attorneys then present, to manage the defense. Peter Martin, Esq., was Attorney-General, and conducted the prosecution. The evidence was clear and positive that the prisoner stabbed and killed his brother in a drunken broil. The speech of Mr. Smith was ingenious, and for so young a man, laboring under the embarrassment of a first effort, it was marked by considerable ability. All the other gentlemen selected by the Court, in their turn, addressed the jury in behalf of the prisoner; but their labor was in vain. He was convicted and afterward executed for the atrocious homicide.

In 1836, Mr. Smith opened a law-office in Livingston, Sumter county, where, not long afterward, he formed a partnership with Edward L. Holmes, Esq., a promising young lawyer from Georgia. Not finding the practice sufficiently remunerative in Livingston, Mr. Holmes went to Texas, and was elected a member of Congress, in that Republic. While his prospects were fair, and his manly and virtuous character was just developing, Mr. Holmes was cut off in his youth by fever.

Soon after Mr. Smith was left alone in the practice, another partnership was offered him by William B. Ochiltree, Esq., which he accepted. This professional relation did not continue long. Failing in his attempt to obtain a seat in the Legislature, the ambition of Mr. Ochiltree sought another field, and he, too, removed to Texas, where he became Attorney-General, and then Judge of the Circuit Court.

In the meantime Mr. Smith pressed forward as an attorney, laboring under the disadvantage of inexperience, yet with resolute purpose, until his superior faculties attracted the friendly notice of

Col. William M. Inge, who had been a Representative in Congress, from Tennessee, from 1833 to 1835, and had lately settled in Livingston as a practicing lawyer. He tendered Mr. Smith a professional connection which lasted until the death of Col. Inge, several years afterward. By this patronage, the merits of Mr. Smith became more generally known, and, from that time, his character steadily increased, attended with marked social influences.

The Inge family were from Franklin county, in North Carolina, of high position and intelligence. Dr. Richard Inge, a wealthy planter of Greene county, Major Francis Inge, and Col. William M. Inge, were brothers, and Mrs. Judge Murphy, the mother of William M. Murphy, Esq., and Mrs. Gen. Crabb, were their married sisters, with two sisters then unmarried, both of whom, afterward, in succession, became the wives of Mr. Smith. The property and influence which he acquired by his connection with the Inge family, opened his career to prosperity. His talents being of a high order, aided by a noble ambition and great energy, Mr. Smith has long since been a leader at the bar and in society. While comparatively a young man, he was a widower the second time. His third marriage was with a daughter of the late Thomas H. Herndon, Esq., of Greene county, who left a very large estate to his children, of which Mr. Smith received a proper share.

In politics, Mr. Smith was a Whig, a warm supporter of Gen. Harrison in 1840, and of Mr. Clay in 1844. After the extinction of old party lines and issues, he was allied with the Democratic party. He took his seat as a Whig, at the session of 1849, on a divided ticket, and was the only member of his party elected to the House from Sumter. This was owing to the strength of his character, and the liberality of his constituents, who, for the time being, laid aside all political bias, to secure in the public councils a Representative of such distinguished ability and worth. His course in the Legislature was such as to meet the expectations of his friends and warmest admirers. He justly ranked with the leading members of the House in originating measures, and in supporting them in debate. It was the only session in which he served in the Legislature.

In 1860, he visited his native state in a diplomatic character, Gov. Moore having appointed him and the late Isham W. Garrott, Esq., Commissioners to confer with the authorities of North-Carolina on the subject of a union and coöperation among the Southern States, in view of the pending aggressions of the North. That mission was ably performed, and resulted in success, so far as the object then sought was involved.

The Convention of 1861 elected Mr. Smith a Deputy for the State at large to the Provisional Congress at Montgomery, to assist in organizing a Government for the Confederate States. After

an interval of more than twenty years, he there met his old law-partner, Judge Ochiltree, who was a Deputy from the State of Texas, not consulting, as in other days, how to conduct pleadings, and how to support actions for the recovery of values in money, but uniting their heads and hearts to save their native South from degradation by a fanatical majority at the North. The plan of resistance did not fail for the want of wisdom in the conception, but for the want of resources to carry it out on the battle-field, where the force was unequal as three to one. Such, no doubt, were the sentiments and aims of the two gentlemen as public servants.

His services in the Provisional Congress closed the public life of Mr. Smith. For many years he has resided in Mobile, where his professional reputation brings him a large practice. Besides his ability as a lawyer and legislator to command public respect, he has a personal chivalry and courage which give completeness to his character. While serving through the session of 1849, Mr. Smith, in some way, gave offense to the late Col. Seibles, who invited him beyond the limits of the State for a correspondence. The *hint* was promptly taken, and the former was on the road to Georgia for the *interview*, when a number of gentlemen interfered, and had the difficulty submitted to a board of honor, by whom it was adjusted in a manner perfectly honorable to both parties.

GEORGE C. WHATLEY, of Benton (now Calhoun), was elected to the House in 1849. He was an educated lawyer, with rich stores of general information, which gave him a prominent rank in business and in debate. He was a ready speaker, and was frequently upon the floor, but was never tiresome after the fashion of some. His views were presented in bold, brief terms, which were essentially to the point, and always practical. He was jealous of his rights, and of the trust committed to him. Thus, when a member from the Southern portion of the State introduced a bill to change the name of the county from *Benton to De Soto*, Mr. Whatley rose in his place, and, with scathing language and manner, denounced it as an interference with the rights of the Representatives of the people of that county, and moved to postpone the bill indefinitely, which was done.

His good sense and sound opinions of public policy gave him a favorable standing with his fellow-members, who anticipated well of his future. After this session, Mr. Whatley remained in private life, engaged in his legal pursuit and in planting, until 1860, when he was elected a member of the Convention which passed the Ordinance of Secession. His usually quiet political feelings were aroused by the election of Lincoln and Hamlin, and he

entered fully into the cause of excitement against their rule, and offered the first preamble and resolutions in the Convention, which were as follows:

WHEREAS, The only bond of union between the several States is the Constitution of the United States;

AND WHEREAS, That Constitution has been *violated*, both by the Government of the United States, and by a majority of the Northern States, in their separate legislative action, *denying* to the people of the Southern States their Constitutional rights;

AND WHEREAS, A sectional party, known as the Black Republican Party, has, in the recent election, elected Abraham Lincoln to the office of President, and Hannibal Hamlin to the office of Vice-President of the United States, upon the avowed *principle* that the Constitution of the United States *does not recognize property in slaves*, and that the Government should *prevent its extension* into the common Territories of the United States, and that the power of the Government should be so exercised that *slavery, in time, should be exterminated*; therefore,

*Be it resolved by the people of Alabama, in solemn Convention assembled, That these acts and designs constitute such a violation of the compact between the several States as absolves the people of Alabama from all obligation to continue to support a Government of the United States to be administered upon such principles, and that the people of Alabama will not submit to be parties to the inauguration and administration of Abraham Lincoln as President, and Hannibal Hamlin as Vice-President of the United States of America.*

A discussion ensued, in which Messrs. Whatley, Smith of Tuscaloosa, Posey, Yancey, Clemens and Williamson took part, when the resolution was so amended as to satisfy all parties, and was unanimously adopted in the following shape:

*Resolved, etc., That the people of Alabama can not, and will not, submit to the administration of Lincoln and Hamlin as President and Vice-President of the United States, upon the principles referred to in the preamble.*

Mr. Whatley advocated these resolutions with spirit, which showed the point he had reached upon the question of Southern Rights and remedies. He voted for the Ordinance of Secession, and throughout the sittings of the Convention he took an active part in the proceedings and discussions. When hostilities commenced he entered the service of the Confederate States, with the same conviction of duty which had governed his vote in the Convention. He was elected Major of a regiment, and fought bravely in every battle in which his command was engaged. But he did not reach the middle of the war before he was killed in action, and has left to his State the memory of an upright man, a true Southerner, and a brave soldier.

He was a native of Georgia, and there was much strength and ability in his character. To maintain his principles, which he believed to be right, he was willing to sacrifice everything, even his own life, which he laid upon the altar of his country. His intellect and his integrity constituted his greatest claim to admiration, as physically he was ill-favored, and awkward in his movements. All his external defects were soon forgotten, however, as the riches

of his mind and his heart were poured forth in the cause of the people and the State. To the former he felt as a brother, and for the latter he died as a patriot. Honor to his memory.

WILLIAM WRIGHT, of Madison, somewhat advanced in years, was elected in 1849. He had previously filled offices of trust in his county, and enjoyed the confidence of his people. He ranked among the gentlemen of the olden time in the pleasant, social relations of life. Possessing a cheerful turn of mind, he was respected not only for his age, but for his sterling qualities; but he had delayed until too late a period an acquaintance with legislative proceedings, to be as effective as his fine intellect would have made him, if he had commenced earlier. He died several years ago.

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## CHAPTER XXX.

### *Congressional Elections—Legislature of 1851—New Parties—Georgia Platform—Notices of Candidates and Public Men.*

The passage through Congress of the Territorial measures, commonly called the "Compromise," which admitted California as a State without any intermediate probation as a Territory, and without an enabling act to form a Constitution or State Government, and provided Territorial Governments for New Mexico, Utah, etc., opened a new element of sectional discord and excitement. The tide drifted into new parties, or at least into new party designations, such as Union and Southern Rights, "Compromise," and "Anti-Compromise"—the former willing to take the measures as a final settlement of the Territorial questions, so far as slavery was concerned, in the hope that, under their observance by Congress, the slavery agitation would cease. The latter class, or order of politicians, were generally opposed to those measures of pacification, and especially to the manner in which California was brought into the Union, and the issue was joined.

In the Spring of 1851, a Southern Rights Convention met in Montgomery. Several gentlemen participated in its proceedings who were regarded as secessionists, and this was seized upon by the compromise men as an indication of the purpose of those opposed to the adjustment. Hence that class were known by a

ship: Messrs. Nathaniel Davis, John D. Rather, and M. A. King. After the first ballot, Mr. King was withdrawn, and on the second ballot, Mr. Rather was elected by a vote of 53 to 42. This was considered a success to the Union men, as Mr. Rather was mainly supported by them, while the Southern Rights men voted for Mr. Davis, who, although a Union man in sentiment, was opposed to the disorganization of the Democratic party upon the issue. The Speaker organized the House, so far as his power extended, pretty much in accordance with his election; but assigned position to several gentlemen on the other side, as will appear by the Chairmanship of the Committees:

On the Judiciary, Mr. R. W. Walker;

On Federal Relations, Mr. Beck;

On Ways and Means, Mr. H. C. Lea;

On Internal Improvement, Mr. P. Phillips.

In the Senate, Mr. Gunn was Chairman of the Committee on the Judiciary, and Mr. Jemison Chairman of the Committee on Finance and Taxation.

The message of Gov. Collier was transmitted to both Houses the next day, and 5,000 copies ordered to be printed. It was a document of considerable length, covering thirty-three pages of the printed Journals. Of its ability, and the soundness of judgment evinced by the author, no one can doubt who has a knowledge of his character. The business items of the message, however, are not sufficiently compressed to allow a fair synopsis here, consistent with the limits of this work.

The leading measures of the session were, the adoption of the Code, and the adoption or rejection of the Georgia Platform, and resolutions approving the course of Col. King, and Mr. Clemens, Senators in Congress, in voting for the Compromise measures. The Code was adopted, but both the others failed under the lead of opponents who were not versed in parliamentary and party tactics.

As the action of Georgia, first at the session of the Legislature, in 1849, authorizing the Governor to call a Convention of the people of the State, on the happening of a certain contingency; and, secondly, the meeting of that Convention in December, 1850, pioneered the way through the dangers which then menaced the Union, it is necessary to reproduce the 4th section of the Georgia Platform, to show the ground on which the Union party stood in the Alabama Legislature.

The Georgia Convention consisted of 260 delegates elected by the people of ninety-five counties. On motion of the Hon. Charles J. Jenkins a Committee of Thirty-Three, consisting of three from

each Judicial District, was appointed to consider and report business proper for the Convention. The report was an exceedingly able paper, (occupying nine pages of the printed Journal,) from the pen of Gov. Jenkins, and the 4th section is the following:

That the State of Georgia, in the judgment of this Convention, will and ought to resist, even (*as a last resort*) to a disruption of every tie that binds her to the Union, any action of Congress upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety, domestic tranquillity, the rights and honor of the slaveholding States; or any act suppressing the slave-trade between the slaveholding States; or any refusal to admit, as a State, any Territory hereafter applying, because of the existence of slavery therein; or any act prohibiting its introduction into the Territories of Utah and New Mexico; or any act repealing, or materially modifying the laws now in force for the recovery of fugitive slaves.

This report, known as the Platform, was adopted in the Georgia Convention by a vote of 237 to 19.

In the Alabama Legislature, it was favored by the Union men, but opposed by Democrats and Southern Rights men. Its adoption or rejection had gotten to be a question of party strength, and as the Union organization was giving way every day, the leaders of the Democrats who opposed it, voted to postpone, until at last they controlled strength to defeat it in the House, after its adoption by the Senate.

During the first week of the session, Mr. Liddell, an intense Compromise man, offered a resolution to bring on the election of United States Senator, to fill the place of Mr. Clemens after the 4th of March, 1853—one year in advance of the expiration of his term, but before another regular meeting of the Legislature. The resolution encountered opposition at the threshold, and a side motion, made to test its strength, indicated that it had a majority of the House, and hence the minority resorted to parliamentary tact to defeat it. They carried an adjournment, and the next meeting of the House showed a marked change in a few hours—a change which, at the time, surprised many who had no knowledge of the manner in which it was brought about, and at this distance of time it is not necessary to relate it. After that, the friends of Mr. Clemens abandoned all idea of electing him again to the Senate.

#### ELECTIONS.

Sundry elections took place worthy of note. The Hon. George Goldthwaite, without opposition, was placed on the Bench of the Supreme Court, to fill the vacancy caused by the resignation of Judge Silas Parsons.

Hon. James B. Clark was elected Chancellor of the Middle Division.

Eggleston D. Towns, Esq., was elected Chancellor of the Northern Division, over his competitors, A. Q. Nicks and Matthew J. Turnley, Esqrs., the first ballot being 54, 49 and 25, in the order of their names.

Vincent M. Benham was elected Secretary of State by a vote of 64, against 58 for A. B. Clitherall.

Amand P. Pfister was elected Quartermaster-General.

GEORGE GOLDTHWAITE is a Bostonian by birth, and received his education mainly at West-Point. He came to Montgomery and settled in the practice of the law about the year 1830. By his fine talents and close application to study and business, he soon obtained a large and valuable practice, and a high rank in his profession.

In 1843, he was first elected to the Bench of the Circuit Court, over Abram Martin, Esq., and was reelected in August by the Legislature. By a change in the Constitution, the election was given to the people in 1850, when he was continued on the Bench by popular suffrage, over Francis S. Jackson, Esq. Under his election as Judge of the Supreme Court, in 1851, he remained in that office until the session of 1853, when, for the purpose of affording the Legislature an opportunity to reorganize the Court, the Judges (five in number) resigned, and but three were elected, Judge Goldthwaite being one of the number. After presiding in that tribunal a few years, he retired, and resumed the practice of the law in Montgomery, in which he has since been engaged.

In December, 1870, Judge Goldthwaite was elected by the Legislature to a seat in the United States Senate for a term of six years, commencing on the 4th of March, 1871, which opens a new chapter in his public life, as it is the first time he has occupied an official position in any legislative body. Whatever may be the experience of his future, he certainly has an enviable record of the past. While on the Circuit Bench, his administration of the laws, his enforcement of good order, his manner of presiding, courteous yet prompt, and the upright manner in which he decided all questions properly raised in cases before him, established for him the very highest character as a Judge. His learning was always adequate to every call and every occasion. In the Supreme Court, his opinions were luminous, constituting the standard of judicial maturity in all the elements required for that dignified station. He is a brother-in-law of the Hon. John A. Campbell, late of the Supreme Court of the United States, and a brother of the Hon. Henry Goldthwaite, who held the commission of Judge of the Supreme Court of Alabama at his death in 1847.

JAMES B. CLARK has filled a considerable space at the bar, and on the Chancery bench. He has some peculiarities of disposition and manner which render a close acquaintance with him necessary to do full justice to his character. The writer is saved, however, from the risk of drawing an imperfect sketch, by incorporating a portion of that from the able pen of A. W. Dillard, Esq., under the head of "Sketches of the Lawyers of West-Alabama," recently published in the "Livingston Journal." Mr. Dillard says:

The Hon. James B. Clark was born in Bedford county, Pennsylvania, June 22, 1796, and passed his youth in Chillicothe, Ohio, receiving but a limited education. He read law in Kentucky, and begun the practice in that State, in March, 1822. In the fall of the same year, he removed to Bibb county, Alabama. In 1825, he returned to Kentucky, and while there he married Miss Mary Erwin, sister of the late Col. John Erwin. In 1827-'9, Chancellor Clark was a member of the Representative branch of the Legislature, from Bibb county, and ably represented his constituents. In 1831, he removed to Cahawba, where he resided eight years, enjoying quite a lucrative practice. In 1839, he settled in Eutaw. In 1845, upon the resignation of the Hon. Joshua L. Martin, Gov. Fitzpatrick, without any solicitation, appointed him Chancellor of the Middle Chancery Division of the State. But at the session of the Legislature, by reason of a combination, Chancellor Clark was defeated by Hon. Wylie W. Mason.

In 1851, he was elected Chancellor by the Legislature. At that period, the office of Chancellor was particularly laborious and arduous. Chancellor Clark was under the necessity of traveling over half the State by private conveyance, and over miserable roads—the mere physical labor alone would have deterred many men from accepting so arduous a position. The Chancery system itself, to a great extent, was in a most crude and undigested state. Only a few years before, the Judges of the Circuit Court had exercised the diverse if not contradictory duties of law and equity Judges, and as they were crowded with business in the courts at law, they had but little leisure for the Chancery duties devolved upon them. Many of these Judges, in addition to this want of leisure, had little taste for Chancery practice, so that what followed might have easily been foreseen. There was little uniformity or regularity in the Chancery practice—there was no time afforded for prying narrowly into books for precedents—the business had to be dispatched in a hurry or left untouched.

Chancellor Clark brought to the discharge of his official duties the same love of method—the same laborious habits and punctuality—for which he had been honorably distinguished while at the bar. It is no mere idle compliment to say, that the Chancery practice owes much of its uniformity to the labors of Chancellor Clark. During a recent visit of the author of this sketch to Montgomery, he was assured by a gentleman eminent for the extent of his legal abilities, unsullied honor, and fine social qualities, that he was indebted to Chancellor Clark for his knowledge of Chancery practice—a deserved compliment, but made more valuable by the character of the gentleman from whose lips it flowed.

On the bench, Chancellor Clark was patient, cautious, laborious; courteous to the bar, rigid in exacting of the officers a due performance of their duties, yet ever ready to give them any instruction in his power; and no man ever showed more anxiety to have his decrees squared with justice. He strove to excel—he was fond of digging into the mine of English Chancery, and he did not begrudge the toil and labor requisite to attain excellence. No man commanded more respect in the Supreme Court, nor did any man ever fill a judicial office more worthily.

EGGLESTON D. TOWNS was raised and educated in North-Alabama, except that his graduation was at the University of Virginia. His father, Major Towns, was a member of the Conven-

tion that formed the Constitution of 1819, from Madison county; after which he settled as a planter in Courtland Valley, where, by well-directed efforts, he acquired a large fortune.

Chancellor Towns was young when elected to this high and responsible office, which he held for a year or two only, when he resigned, and removed to Texas. He was a gentleman of elevated character and sentiments, giving promise of much future usefulness, but he left the State before time was allowed to develop his faculties.

ALVIS Q. NICKS was a Representative from Talladega, and took a pretty active, if not leading part in the deliberations of the House, especially upon political questions. He came from Lincoln county, Tennessee, and had much State pride on account, mainly, of its being the home of Gen. Jackson.

In the contest at the session of 1851 he was for the Compromise measures out and out, and every feeling of his heart led him to revere the Union. Mr. Nicks came to Alabama in 1833, when a young man, and settled in the practice of the law, at Talladega. For some cause he attracted the notice of the Indian Chiefs, and became the adviser, and soon attained the position of Attorney for the Creek Nation. The head Chief, Opoth-le-o-ho-lo, and he, were on good terms, and in 1834 I saw a son of that chief, a good looking, intelligent young man, a half-breed, in company with Col. Nicks at Court in Jacksonville, representing his father in some legal procedure.

Gen. Jackson appointed Col. Nicks (he was Colonel of militia) one of the locating agents of Indian reservations of land, and he was thus engaged for sometime. The promotion and influence which he had so readily attained, bringing him large sums of money, was more than his nature could bear, and he yielded to the bowl, and contracted habits which not only disappointed a promising political future, with many early advantages, but, in a great measure, destroyed his prospects of accumulation. He became a waif professionally and individually, but adhered to his first principles and attachments in favor of Gen. Jackson and the Union. For a few years previous to 1851, he had been laboring at reformation, in which his progress was respectable, so much so that he was to some extent his former self. He had a comely person, tall and well proportioned, and was the soul of good companionship, possessing much kindness of heart.

In 1853, Col. Nicks was a candidate for the State Executive, still revering the principles upon which he was elected to the Legislature. But the issues of 1851 had passed away, and he was badly beaten by Gov. Winston. Not long after his defeat, he removed to Texas, and died there several years ago.

MATTHEW J. TURNLEY came from East-Tennessee, of respectable parentage and connections, and settled in Cherokee county as a lawyer. In 1840, he was elected Judge of the County Court, an office which he held several years, discharging its duties with marked ability and fidelity. He afterward held the office of United States Attorney for the Northern District of Alabama, under Mr. Buchanan's administration, and when the State seceded he identified his lot with the Southern cause. Judge Turnley has been a citizen of Alabama for near forty years. He now resides in Jacksonville as a practicing lawyer, and, in the range of his practice and acquaintance is regarded as possessing good legal attainments, and the qualities of a useful citizen and honest man. He is a member of the Methodist Episcopal Church, South.

VINCENT M. BENHAM, elected Secretary of State, was a member of the House, in 1851, from Lauderdale. A number of competitors entered the race for the office at the Capitol, and the contest was quite stubborn. On the 16th ballot, his vote of 64 elected him over his principal opponent, Mr. Clitherall, who received 58 votes.

Mr. Benham was a Democrat, and accepted the Compromise measures of Congress. In the political classes of this year he was a Union man, and coöperated fully with that organization, and his election was regarded as its success for the time being. He had held the office of Sheriff, in days gone by, and possessed good business qualifications, especially the clerical. His hand-writing was neat and florid, rather too much of the latter for official purposes.

He was quiet, rather retiring and timid in his deportment. In 1853, after a severe contest with John H. Caldwell, Esq., and Gen. Higgins, he was again elected Secretary of State, but resigned before his second term expired, disappointed, no doubt, at the perquisites of the office, which had been erroneously represented as quite large. In the reorganization of the Government in 1865, Mr. Benham was appointed by Gov. Parsons Judge of Probate of his county, and died not long after receiving his commission. He was a good citizen, and correct in his business transactions.

ALEXANDER B. CLITHERALL, defeated by Mr. Benham for the office of Secretary of State, had long aspired to the place in his feelings and plans, and tested his strength upon this occasion, which a change of four votes would have rendered successful.

I first knew Mr. Clitherall in Tuscaloosa, in 1839—a young man, a Whig in politics, and a law student. He soon afterward settled in Pickens county as a lawyer, and occupied for many years

an active, influential position in the county, after connecting himself with the Democratic party.

In 1842, he was elected Assistant Clerk of the House, and reelected until 1847, when, upon the retirement of Joseph Phelan, he was elected principal Clerk, and was retained in that office through the sessions of 1849 and 1851. In 1853, he was defeated by Mr. Malcolm D. Graham, of Coosa county. Mr. Clitherall subsequently held the office of Judge of Probate, and also that of Judge of the Circuit Court under the appointment of Gov. Winston. In 1856, he was a delegate to the National Democratic Convention at Cincinnati. In 1857, he was elected to the Senate from Pickens, and in 1859, he was returned to the House.

Upon the organization of the Confederate Government, Judge Clitherall was appointed Register of the Treasury, and became the holder of the *first bond* of one thousand dollars, issued by that Government under the act of Congress authorizing the first loan in 1861, on a basis equivalent to specie. The fact was mentioned in the newspapers at the time as an evidence of the patriotism and good fortune of the Register in thus securing so precious a memento. Afterward, the bonds of the Government became less of a novelty, and *somewhat* at a discount, although the patriotism of the holders always deserved a premium.

After holding the office of Register of the Treasury for a year or two, Mr. Clitherall ceased to reside at Richmond, and settled in Montgomery to pursue the law as a profession. When the pressure of the war had nearly cut off the business of the courts, Judge Clitherall was compelled by the necessity of his condition, like a great number of other gentlemen, to seek employment of a subordinate kind; and in this way, he acted as clerk to committees in the Legislature, or in situations of the like grade, to obtain the means of support for his family. In 1865, he was a candidate before the Legislature for the office of Attorney-General, but was defeated by Col. John W. A. Sanford, who had a brilliant record in the war. About this time, Mr. Clitherall began to be affected with symptoms of the dropsy, and the disease increasing upon him, terminated his life in 1868.

Judge Clitherall had seen much of public life, and of men and things, and had participated largely in the stirring political events of his day. He possessed a mind and business qualities of more than ordinary grade, well fitting him for the different positions which he filled; but being a wit, punster, and a very social, companionable man, he lacked that application to study and to business so necessary to complete success. This obstacle considered, he made his way through difficulties, and attained positions, which show merit and popularity on his part, much to the credit of his memory.

In person, Judge Clitherall was of unusual stature, about six feet six inches high, slender and delicately formed. He married Miss Hays, of Mississippi, a lady much below the common height of her sex—forming a remarkable contrast when they appeared together in public. Although nothing is claimed for him on account of family prestige, yet the fact may be mentioned that he was a nephew of George Burgwyn, of Wilmington, and of John F. Burgwyn, of Newbern, both distinguished for their high social positions in North Carolina, connected by family ties with the Pollocks and Devereauxs, who were probably the wealthiest men in the State.

ARMAND P. PFISTER, elected Quarter-Master General, was a German by birth, and a very accomplished teacher of music. When I first knew him, in Tuscaloosa, he was engaged in that vocation. He was a gentleman of very agreeable manners, and was quite popular in the community where he resided.

About the time the Seat of Government was removed from Tuscaloosa, he settled in Montgomery as a book-seller, and afterward became a partner of Joel White, Esq., under the firm of White, Pfister & Co. For many years he was Grand Secretary of the Grand Council, Chapter and Lodge of Masons in Alabama, and contributed no little, by his discharge of duty and intercourse with the craft, to enlarge the influence and operations of that Order in the State. He died in 1855, and a suitable monument was erected over his grave at Mobile by the Grand Lodge.

#### ADJOURNMENT.

The elections, which gave rise to a number of sketches, having taken place in the General Assembly, it was deemed proper to reserve a notice of the adjournment until their completion. The session was a long one, extending to the 10th of February, 1852, during which very little practical good was accomplished, related, as parties were, with the elements which composed the House, and the contrariety of views upon leading questions.

In due time, a Joint Committee of Arrangements was appointed, consisting of Messrs. F. A. Saunders, L. James, W. P. Leslie, and Johnson Jones, on the part of the Senate, and C. McCaskill, Nicholas Davis, Jr., Messrs. Moss, Bradford, and Oates, on the part of the House, to prepare for the inauguration of Gov. Collier on his second term. The order of the day required, among other things, "That a band of music be provided and placed in the gallery, and when the Governor is announced at the door, a National air be played."

The ceremonies of installation took place on Wednesday, 17th

December, 1851, at 12 o'clock M., in the presence of the two Houses, and of a large concourse of citizens and visitors, in the Representative Chamber; and thus a new term in the administration of Gov. Collier commenced, by the spontaneous voice of the people.

## MEMBERS OF CONGRESS.

The election for Representatives in Congress, during the year 1851, has been referred to, with the names of candidates, and the result in each District. According to the plan of this work, the gentlemen elected, not heretofore noticed, will here find a place.

JAMES ABERCROMBIE was a native of Hancock county, Georgia, and the youngest of eight sons. Major Charles Abercrombie, the father, was an officer in the Revolutionary war, and his character was held in the highest esteem by all who knew him. The Abercrombie family had great *prestige* from their wealth and social position, and also from the superior intellect and manly qualities they possessed. The names of the brothers were John, Abner, Edmund, Leonard, Wiley, Anderson, Charles, and James. The former was Speaker of the Georgia House of Representatives in 1825. A daughter of Major Abercrombie married the Hon. Bolling Hall, Representative in Congress, of decided ability, and well versed in the science of government.

About the time Alabama was admitted in the Union, Captain James Abercrombie removed to Montgomery county, of which he was elected a Representative in 1822 and 1824. From 1825 to 1833, inclusive, he served nine years in the Senate.

My acquaintance with him began at the session of 1838, when he was a Representative from Russell county. He was reelected in 1839, and at both sessions he took a leading part, and exerted no little influence in Legislation, especially among the Whig members, to which party he belonged. When Judge Smith, of Madison, in 1838, offered his celebrated resolutions in favor of the Sub-Treasury scheme of Mr. Van Buren, Captain Abercrombie rose in his place, and said that he liked the resolutions very well, except the *white-washing* of Mr. Van Buren, and for that he could not go. He had long been in sympathy and coöperation with the State Rights party, but rather than support Mr. Van Buren, in whom he had no confidence, he separated from such friends as Dixon H. Lewis, Richard B. Walthall, Columbus W. Lee, and others, and allied himself strongly with the Whig party, in which he was at all times a leader.

In 1847, he was elected to the Senate from Russell, and served four years—a man of mark and influence. During the session of 1847, while the election for United States Senator was pending,

in which Mr. Lewis was a candidate, Captain Abercrombie called upon him, by pre-arrangement, and late at night. They had been estranged politically, and had no intercourse for ten years, after a long period of intimate friendly relations. It is said by some mutual friends, selected and allowed to be present, that the interview was quite gratifying to both parties. Captain Abercrombie despaired of electing a Whig to the Senate, and determined in his own mind, at the proper time in the course of the election, to lead out for Mr. Lewis on the Whig side, and thus have the gratification of deciding the contest in favor of his old friend. He did lead off; but owing, as he said, to jealousies on the part of some leading men of his party, in reference to the Congressional succession of Mr. Hilliard, his party did not follow generally, which was to him a source of much mortification.

It has been shown that in 1851, he was a candidate for Congress, and elected. In 1853, he was reëlected, and served two full terms in the National councils, after which he retired, and settled partly in Florida, where he was engaged in filling a large contract with the Government for brick.

I saw Captain Abercrombie last in 1859, when he visited Montgomery to aid the reëlection of Gov. Fitzpatrick to the Senate. He was quite advanced in years, and somewhat feeble, but conversed with his usual intelligence. A moral change of no ordinary character had passed over him, which was exhibited in his manner and action, as well as in conversation, showing that he had made his peace with God and man. Not long after this period he died, leaving an example of integrity and usefulness worthy of all imitation.

Captain Abercrombie was a gentleman of much information and large experience in public affairs, well-versed in the Constitution and nature of government, and in the principles of the several political parties as they existed at different times in the country. The strong point in his character was decision and boldness. He never hesitated after his course was determined upon, but marched forward without dissimulation or disguise, to both which he was a stranger. He did nothing by indirection, but would avow openly upon the floor of the Legislature his purpose in a political movement, and would have success upon no other ground. He was a ready, animated speaker, though his delivery was not fluent; still, his directness always made him easily understood. He was honest in all his impulses. His dislikes were strong, and so were his attachments.

Few men who have lived in Alabama wielded in their day a greater influence on men, and on party measures, than Captain Abercrombie. He was identified with the State in all her interests—was jealous of her rights and honor; he made his home

with her when she was feeble in population and development, and participated in bringing her resources to light, until she attained great strength and prosperity. He was wealthy, and extensively connected in blood and by affinity. He was a large man, tall and well-proportioned, and had a manly carriage. His face bore the marks of decision and kindness equally blended, and the tone of his voice was usually soft and assuring. If I mistake not, he died in the communion of the Methodist Episcopal Church.

It is a relief and a support to the mind to contemplate such a character. Although he may have had some infirmities of temper, Captain Abercombie was one of Nature's true nobility, in all the qualities which constitute a solid man, who never varied from the path of honor, and who never feared the face of man. His memory, like a lofty pillar of granite, will endure for many years as among the men of note who have figured in Alabama. Whoever has seen him can never forget the impression of moral grandeur which his very looks inspired. Nothing more need be said to give an idea of his peerless individuality.

Captain Abercombie raised a large family of children—four sons and six daughters. His son James represented Escambia county in the Florida Legislature, and died at Pensacola; his son John Lucas died near Glennville; Thomas Anderson resides at Rayville, Louisiana, and George Hargraves Abercombie died at Pineville, Tennessee. His daughters married, respectively, the following gentlemen: William C. Wright, of Tallapoosa county; Gazaway D. Williams, of Barbour county; Dr. John E. Bacon, of Columbus; Gen. James H. Clanton, of Montgomery; William C. Cook, of Pensacola, and L. R. Davis, of Limestone county.

JOHN BRAGG, elected to Congress from the Mobile District, was a North Carolinian, and a brother of Gov. Thomas Bragg and of Gen. Braxton Bragg—a talented and influential family. He settled in Mobile about the year 1836, to pursue the law as a profession, and was for some time Attorney for the Branch Bank at Mobile.

In 1842, Gov. Fitzpatrick appointed him Judge of the Tenth Circuit, and at the next session he was elected by the Legislature over Gen. Crabb, his principal competitor, and was reelected in 1847, and again in 1850 by the people of his Circuit. He made a good Judge, held the scale of justice equally poised, was strict in the enforcement of law and order; and when people entered his court-room, they at once saw that a Judge was on the bench who was alike feared and respected. He was well adapted to the judicial station he filled, by his quiet firmness, his cultivated taste, and investigating mind.

It has been seen that he was nominated and elected to Congress

in 1851. He served but one term, and in due time notified his constituents of his purpose to retire—that the business did not suit him, and he did not think, from his experience, that he suited the business of legislation.

By marriage with a lady of Lowndes, Miss Hall, Judge Bragg became possessed of a large planting interest, and retired from public and professional pursuits. In 1860, he was elected from Mobile a delegate to the Convention which met in Montgomery, in January, 1861, and took a prominent part in the proceedings. This closed his public employments, for which he always said he had but little taste or inclination. But he possessed talents of no ordinary stamp, and filled with scrupulous fidelity every position to which he was called.

WILLIAM RUSSELL SMITH has had a career, political and literary, which deserves particular attention. When a mere boy, friendless and neglected, he was observed by the late Gen. Crabb, who saw in him signs of genius and capacity. This noble-hearted gentleman determined to rescue him from his obscure fate, and at once provided for his education. After being duly prepared, he entered the University of Alabama, but his name does not appear on the list of graduates. While at college, or very soon after leaving it, he wrote and published two small volumes, one a romance, entitled "The Bridal Eve," and the other a poem, styled "College Musings," both evincing a rich imagination, refined sensibilities, and good scholarship for an author still in his minority.

About the year 1834, Mr. Smith was admitted to the bar, and opened a law office in Greensboro, where he was much respected for his talents and high social qualities, which rendered him a conspicuous figure in society. He dressed fashionably, with somewhat the appearance of a Spanish cavalier in the cut and wearing of his cloak. When hostilities broke out in the Creek Nation, in 1836, he raised a company of mounted infantry, of which he was elected Captain, and proceeded to the seat of war. About the time he arrived for duty, Generals Scott and Jesup, and Gov. Clay, had succeeded in bringing the Indians to terms, and Capt. Smith and his command returned home without the opportunity of engaging in battle.

He then became deeply interested in behalf of Texas, then struggling for independence, and visited several of the adjoining counties, addressing audiences wherever he could find them, to rally to the support of their countrymen against the usurpations and tyranny of Santa Anna, and especially to avenge the blood of Crockett, Bowie, Fannin, and other patriots who had been slaughtered at the Alamo, and at Goliad. Capt. Smith seems to have started on the expedition, and halted in Mobile, where his

military ardor was diverted into another channel. He established in Mobile a monthly or semi-monthly magazine called the "Bachelor's Button," which contained many beautiful articles from his pen, and from the pen of select contributors. In about a year, the publication was discontinued; soon after which Mr. Smith removed to Tuscaloosa, where he succeeded the late Alexander M. Robinson, Esq., as editor of the "Monitor," in 1838, and in 1839, he was elected Mayor of the city.

In 1840, Mr. Smith supported Gen. Harrison for President, and in 1841, he was elected to the Legislature as a Whig, and in 1842, he was again elected to the House by the Whigs of Tuscaloosa county. Having occasion to address a portion of his constituents in November, 1842, he expressed his opposition to Mr. Clay's views on the tariff, land distribution, bankrupt law, and the veto power. This manifesto severed his connection with the Whig party.

In 1843, Mr. Smith opposed Gen. Dent for the Senate, and was defeated by a small majority, after a very heated canvass. He soon afterward removed to Fayette county, and was elected a Brigadier-General of militia. In 1850, he was elected by the people Judge of the Seventh Circuit, which office he resigned on his election to Congress in 1851. He was again elected a Representative in that body in 1853 and 1855. In 1857 he was defeated by Judge Sydenham Moore, after a regular hand-to-hand contest—the third between them.

In 1861, Judge Smith was a member of the Convention, and took an active part in opposition to the policy and Ordinance of Secession. But, after the State took her stand, he went with her in all proper measures of organization and defense in the new order of things. In 1861 he was elected a member of the Confederate Congress, and was reelected in 1863, and held that relation to the public at the time of the surrender. He is, now (1871) President of the University of Alabama.

At various times Judge Smith has published several works of which he is the author, besides the two *minor* volumes about the time he was in college thirty-seven years ago. In 1841, "Smith's Alabama Justice" appeared, which has had a large circulation. He has since published an Abridgment, or Digest of the Decisions of the Supreme Court, and in 1861 he reported the Proceedings and Debates of the Convention which passed the Ordinance of Secession—a very handsome and interesting volume. He has been laborious with his pen, both in literature and in the law, with a style of much harmony and clearness, denoting mature scholarship.

It will be remembered by the general reader that when the distinguished Hungarian, Gov. Kossuth, visited the United States in

1851, to obtain the intervention of the United States in Austrian affairs, his arrival in New York created the wildest enthusiasm. Foreseeing the evil of such a precedent, Judge Smith, within a few days after taking his seat in Congress, in December, 1851, rose in his place, and, addressing the Speaker, said:

I give notice to the House, that on to-morrow, or some subsequent day, I will introduce joint resolutions requiring the Secretary of State to furnish Louis Kossuth with the laws of treason and misdemeanor against the United States.

"The resolutions go further to declare," says a published report, "that if, after reading the laws, Kossuth should continue to make his incendiary speeches, it shall be the solemn duty of the President of the United States to cause him to be arrested."

Before proceeding further, it may be stated that, in February, 1851, the substitute offered by Mr. Shields to the resolution originally proposed by Mr. Foote, was adopted by the Senate of the United States in the following words:

WHEREAS, The people of the United States sincerely sympathize with the Hungarian exiles, Kossuth and his associates, and fully appreciate the magnanimous conduct of the Turkish Government in receiving and treating those noble exiles with kindness and hospitality;

AND WHEREAS, It is the wish of these exiles to emigrate to the United States, and the will of the Sultan to permit them to leave his dominions; therefore,

*Resolved by the Senate and House of Representatives of the United States of America, in Congress Assembled, That the President of the United States be, and he hereby is, requested to authorise the employment of some one of the public vessels, which may be now cruising in the Mediterranean, to receive and convey to the United States Louis Kossuth and his associates in captivity.*

This resolution also passed the House of Representatives, and, in compliance with it, Kossuth and his followers were brought to the United States. After their arrival, Mr. Seward, on the 8th December, 1851, submitted this joint resolution in the Senate:

*Resolved by the Senate and House of Representatives of the United States, in Congress Assembled, That the Congress of the United States, in the name and behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the capital and to the country, and that a copy of this resolution be transmitted him by the President of the United States.*

That the sentiments of Kossuth and the object of his visit to this country may be known, an extract is here given from his speech at his public reception in New York, as follows:

I do not come here to ask your sympathy. That is gratifying, but valueless. I come here to invoke the aid of the great American Republic to protect my people—peaceably, if they may, by the moral influence of their declarations, but forcibly, if they must, by the physical power of their arms—to prevent any foreign interference in the struggle about to be renewed for the liberties of my country. I am a plain man. I am in a land of freedom. I am permitted to speak freely my sentiments. This is what I ask. If this be accorded to me, I go home, and the liberties, not merely of Hungary, but of Europe, are secured. If not, I go with my countrymen alone to renew the struggle for the achievement of our liberties.

The interference to which Kossuth alluded was that of Russia as an ally of Austria, against which he desired the American Government to protest, even to the use of its physical power, if necessary to prevent it. This was the doctrine, in substance, to which Judge Smith objected.

After voting down several amendments offered by Mr. Berrien to modify the resolution of welcome, it was finally adopted in the Senate, on the 12th December, 1851, by a vote of 33 to 6. It passed the House of Representatives, and its adoption was notified to the Senate on 15th December.

In the meantime, on a motion to amend the title, Judge Smith addressed the House in relation to the doctrines avowed by Kossuth, and the popular feeling exhibited in New York. His speech was of some length, from which a few passages are quoted to show the mania which prevailed for the time being, and the severe hits given it. After a scene of confusion and disorder in the House while he had the floor, Judge Smith said:

I say to the gentleman from Ohio (Mr. Carter), that I censure no one. I refer to facts, and show the record. That gentleman ought to know that the triumph of humbug is one of the characteristics of this age. But let no man be deceived. If he be wise, he will not. Yet public opinion is so easily manufactured in this country that the wisest and best of us know not how to take it—whether as the mirror of merit or the guile of speculation. It is a little remarkable, in this particular case, that Mr. Genin, the man who paid \$500 or \$800 for the first *prize seat*, to be located near Jenny Lind, is the identical humbugarian who is the first to subscribe \$1,000 to the Kossuth fund! His Jenny Lindism was an idea of speculation—to increase his sale of hats; his Kossuthism may be traced to the same magnificent conceptions! The fortunes of Barnum and Jenny Lind depended greatly upon the *start—the beginning*; and the result showed that Genin's bid fixed the custom, and established, in a great measure, the price of the prize seats at the concerts.

The growth and power of mobism in New York is not surprising. Yes, with its 100,000 aliens always floating, and always under the control of its gang of alien editors, whose bed is restlessness, and whose food is sedition; with its 100,000 people who never go to church; with its 9,000 grog-shops, kept mostly by aliens; with its Barnums, Genins and Greeleys\*, to lead and incite; I say the growth and power of mobism in New York is not surprising. But it *is* surprising that the *old "solidarity"* end of the Capitol of the United States should be rocked from its anchorage of dignity by the waves of popular commotion.

Elsewhere in his speech, Judge Smith continued:

Mr. Speaker, is it the object of the resolution you have just adopted to contribute to the happiness of Kossuth? Let us inquire, a moment, into his condition. It is thought by some persons to be the greatest evil that can happen to a man, to be banished from his country. But this is not always the fact. The extent of the misfortune depends upon circumstances—the country from which he is banished, its situation, its wealth, its poverty, its laws, and the home-condition of the party banished at the time. Indeed, it is not always a misfortune. I remember that Diogenes counterfeited coin in order to be banished from Pontus;

\* Events have since transpired which induced the Democratic party, North and South, to unite, through the Baltimore Convention, in July, 1852, in the support of the Hon. Horace Greeley, who was nominated for President of the United States by the Liberal Republicans in a Convention at Cincinnati, the May preceding.

that Stratonicus committed forgery in order that he might be banished from Straphos. They thought that to be banished from such countries, was getting out of prison.

The visit of Kossuth and suite, consisting of twenty-one persons, to the Capitol, for a period of ten days, and his public reception as the guest of the American people, gave rise to the following resolution, offered by Mr. Seward, on the 12th of February, 1852:

*Resolved*, That the expenses incurred in the reception of Louis Kossuth and suite, during their late visit to the Capitol by invitation of Congress, be paid out of the Contingent Fund of the Senate, when approved by the Committee of Reception, to an amount not exceeding five thousand dollars.

After considerable debate, the resolution was adopted on the 11th of March, 1852, by a vote of 31 to 6.

It is unnecessary to remark that after the delivery of his Kossuth speech, Judge Smith was a prominent man in Congress. He did not take the floor often, but when he did occupy it, he was thoroughly prepared, and was heard with much attention. All his speeches read well. Owing to a weak voice, he is sometimes inaudible in distant parts of a large room. His delivery is at other times very animated and impressive, and always pleasant.

While serving in Congress in 1855-'56, when the American or Know-Nothing organization was striving for power as the rival of the Democratic party in public favor, Judge Smith was a member of it, and his name was suggested in some of the papers for the Vice-Presidency. When he was in the political arena he was quite a tactician, and whatever he fixed his mind upon, he had the industry and the tenacity of will to accomplish.

For some time since the war, Judge Smith was President of the University of Alabama, and exerted himself to revive the institution, after its buildings were destroyed by the Federal troops in 1865. He has retired from that office, and devotes himself to the practice of the law, and to literary pursuits. He is a gentleman of finished attainments, and of great personal worth.

ALEXANDER WHITE, elected to Congress from the Talladega District, in 1851, was a Whig, and in favor of the Compromise measures. He was a son of the Hon. John White, who, for several years from 1825, was a Judge of the Circuit Court in North-Alabama, and in that capacity, with his associate Judges, Saffold, Crenshaw, Taylor, Perry, and others of the Circuit Bench, constituted a Court of Errors, or Appeals, for consultation, in the nature of a Supreme Court, previous to the establishment, in 1832, of the regular tribunal of that name now existing.

Mr. A. White located at Talladega at an early day after the settlement of that portion of the State, and at once took a leading rank at the bar, distinguished for his legal attainments and powers

as a speaker and debater. He served only one term in Congress, and was a warm supporter of Gen. Scott for the Presidency, to aid in whose election he exercised the franking privilege quite liberally in the distribution of campaign documents, but on a plan, no doubt, less extensive than that of which the Hon. F. W. Bowdon boasted in 1848, while supporting Gen. Cass and acting on the Executive Committee at Washington—that he had franked and distributed through the mail more than a million copies of speeches and documents for electioneering purposes!

In 1860, Mr. White earnestly supported Mr. Bell for President, and was opposed to secession; but after the Ordinance passed, he acted with the State throughout the struggle that ensued. After the war he advocated with zeal the reconstruction policy of President Johnson, and was a leading member of the Convention which assembled in Selma, in June, 1866, to send delegates to the National Union Convention appointed to be held in Philadelphia on the 4th of July. In the Selma council he submitted resolutions which he had prepared. These he asked permission to read, and leave being granted, he gave them all the power and charm of his effective elocution. They were bold and defiant, and, among other things, declared that “Alabama had hung her banner upon the outer wall, and would defend it to the last.” The reading of these resolutions by their eloquent author came near firing the Convention, and their lofty tone, under a consciousness of right, reminded one of former days, when the process of *firing the Southern heart* was going on.

These resolutions were referred to the Committee on *Platforms*, of which Mr. White was Chairman. They at once placed him in the front rank of resistance to the assumptions of undue power by Congress in its demands upon the Southern States. The Committee on Platforms refused to report Mr. White’s resolutions. They were considered too strong for the occasion, and, it was thought, would do more harm than good in our prostrate condition.

Mr. White was a member of the Convention of 1865, and of course took a leading part, such as his eminent abilities and stirring eloquence rendered proper. His devotion to the State, his devotion to the South, was expressed in language and with emotions which consecrated him anew as a patriot. He had loved his country, he had loved the land of his birth, his native Alabama, before her disasters, before she was stricken down by armed battalions; but now in her misfortunes and desolation, now that she was in chains, he loved her more than ever. This beautiful affection of a son for his mother, was much admired at the time, and extensively published in the papers, with the highest eulogies upon its inspired author. It is pleasant to think of Mr. White as he stood in the Convention and uttered these noble sentiments:

MR. PRESIDENT: The Bonnie Blue Flag no longer reflects the light of the morning sunbeam, or kisses with its silken folds the genial breezes of our Southern clime. The hands that waved it along the crest of a hundred battle-fields, and the hearts, for the love they bore it, that so often defied danger and death, no longer rally around it. Another banner waves in triumph over its closed and prostrate folds; but proud memories and glorious recollections cluster around. Sir, I will refrain. The South needs no eulogy. The faithful record of her achievements will encircle her brow with glory bright and enduring as the diadem that crowns the night of her cloudless skies. The scenes of Marathon and Platae have been reënacted in the New World without the beneficent results which flow from those battle-fields of freedom, and our country lies prostrate at the feet of the conqueror. But dearer to me is she in this hour of her humiliation than she was in the day and hour of her pride and her power. Each blood-stained battle-field, each track of her devastation, each new-made grave of her sons fallen in her defense, each mutilated form of the Confederate soldier—her widow's tear, her orphan's cry, are but so many chords that bind me to her in her desolation, and draw my affections closer around my stricken country. When I raise my voice or lift my hand against her, may the thunders rive me where I stand! Though I be false in all else, I will be true to her. Though all others may prove faithless, I will be faithful still. And when, in obedience to the great summons, "Dust to dust," my heart shall return to that earth from whence it sprang, it shall sink into her bosom with the proud consciousness that it never knew one beat not in unison with the honor, the interests, the glory of my country.

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## CHAPTER XXXI.

### *Session of 1851 Continued—Members of the Legislature Specially Noticed.*

At the session of 1851, several new Senators appeared and took their seats for a term of four years, among whom were Messrs. Baker, Flewellen, Hefflin, Pearson and Perrine. These gentlemen will here receive the customary attention.

BENJAMIN A. BAKER, of Russell, was returned to the House in 1847, and again in 1849. In 1851, he succeeded Capt. Abercrombie in the Senate, where he continued until the end of the session of 1855. He then retired, and resumed the practice of the law, remaining in private life until the stormy times of 1860-61. He was a member of the Convention, and voted for the Ordinance of Secession; but he did so reluctantly—for afterward, in a speech before the Convention, he declared as follows:

I voted for the Ordinance of Secession, not because I favored secession *per se*, but because, under the circumstances, I regarded it necessary in order to promote the safety of the South, and to protect her honor. No act of mine in the past has tended to bring about the state of affairs which made it necessary to resort to

secession. When, from the conduct of others, however, I saw that a dissolution of the old Government was inevitable, and that separate State action was the policy by which it was to be accomplished, and that those who adhered to that view were largely in the majority in the Gulf States, I felt it to be my duty to rise above all merely party considerations, and accept, as a last resort, the mode of redress for existing evils presented by others.

After hostilities commenced, Mr. Baker entered the service as Lieutenant-Colonel, and was for some time actively in the front; but a weakly and frail constitution, which unfitted him for the exposure and hardships of the camp, forced him to return home, and he died before the conclusion of the war. He was a member of the Methodist Episcopal Church, South.

Mr. Baker was a Georgian, and when he entered public life, he was classed with the young men, though he had passed a little beyond that circle. His earlier years were spent in overcoming difficulties which lie in the way of the less-favored in the start of life. He was a decided Whig, and his influence was felt and seen, not only in the councils of that party, but in the Legislature. He possessed a ready, quick mind, that at once grappled with a proposition, and a boldness of manner in debate which assured all of his convictions, and his readiness to avow them. In his ordinary deportment, he was somewhat reserved, and he seemed rather to court seclusion than social companionship. From my first acquaintance with him, in 1847, he looked like an invalid, and was seldom in what might be called a fair state of health. He fell a victim to his devotion to the Southern cause, in the manner which has been already stated.

E. R. FLEWELLEN, of Barbour, a Georgian by birth and education, was elected in 1851 by the Southern Rights party, and was a Senator and gentleman of fine representative character of that class of Southern feeling. He was a planter, unused before to the practical business of legislation, but was well-informed, and conversed well, and was ready in debate, especially on the political questions then agitating the public mind. In legislative and social ranks, he was regarded with much favor and respect. He served only one session, and retired to the enjoyments of private life, which he preferred, and for which he was eminently fitted by his intelligence and urbanity. He occupies a very respectable position as a citizen, and member of the Methodist Episcopal Church, South.

JOHN T. HEFFLIN, of Randolph, represented that county and Tallapoosa in 1851 in the Senate, which was his only session in the Legislature; but his position was a respectable one, and he exerted no little influence in the political deliberations of that exciting session.

His father, Wyatt Hefflin, represented Randolph for many years; and the son studied law, and in early practice resided, at Wedowee, where he continued many years. He exhibited from the start a close, discriminating legal mind, and made haste slowly to assert his rights to a higher place in his profession. He was elected to the Circuit Court bench, in which station he sustained himself and the public good by his profound legal knowledge, and his pure administration of justice.

Judge Hefflin was a Democrat, and exerted a large influence in the counsels and measures of that party. Since the war he has been largely and profitably engaged in the practice of the law, residing at Talladega. After spending a part of his manhood in the circle of bachelors, he, a few years ago, married Mrs. Bowdon, an accomplished lady, widow of the Hon. F. W. Bowdon.

W. P. LESLIE was born in Monroe county, in 1819; was raised on a farm until his eighteenth year, when he became clerk in a store for two years. Thence he went to Claiborne, and read law in the office of A. B. Cooper, Esq., for about two years, and in 1840 or 1841, he was admitted to the bar. He soon formed a partnership with W. B. H. Howard, Esq., and settled in Sparta, Conecuh county, to practice his profession. After remaining there about two years, he returned to Claiborne in the Spring of 1843, where he formed a partnership with Mr. Cooper, which continued until 1850, when Mr. Cooper removed to Wilcox county. He then formed a partnership with Judge R. C. Torrey, which lasted until Mr. Leslie went into the army, in 1861. In April, 1847, he married a daughter of W. A. Agee, of Monroe county, now deceased.

The professional career of Mr. Leslie was marked by great energy and zeal in behalf of his clients, a business capacity rarely equaled, and a discriminating legal mind of rare order, which would have placed him in the front rank, had he devoted himself exclusively to the practice. But his mind was too expansive to confine himself to the dull formula of law. It needed something more exciting. Politics was one of the outlets, and engaged his mind to a greater or less extent. He was an ardent and enthusiastic Whig, following the lead of Henry Clay, whom he greatly admired, on the Compromise measures. He was nominated in 1851 as the Union candidate to represent the District composed of the counties of Monroe, Covington, and Conecuh, in the Senate. He was elected, and served during the session of 1851, exhibiting the same interest for his constituents in public life that marked his career as a professional advocate for his clients.

Mr. Leslie always had a fondness for practical affairs, and the development of the resources of the country. In 1838, he erected

a public ware-house on the bluff of the Alabama River, by which he made a good deal of money. Imbued with the same spirit of enterprise and improvement, in 1859, he erected, at Claiborne, extensive engines and machinery, at a great outlay, for the manufacture of hubs, spokes, chairs, wagons, furniture, etc. For this purpose, he secured a large number of the best workmen and mechanics from Europe and the Northern States—such as turners, trimmers, painters, wheelrights, blacksmiths, cabinet-makers, etc., and had just got his factory fairly under headway when the war broke out. This destroyed his business, and dispersed his workmen, leaving on his hands a large quantity of materials, which had to be sacrificed, and his machinery left idle.

Though Mr. Leslie was a Union man, and opposed to secession, when the war actually raged, his impetuous nature did not allow him to remain at home; but he sought the excitement of the army. In the Fall of 1861, he raised a company of artillery, principally from Monroe county—drawing largely from his private means—and volunteered as a private, but was assigned to the second lieutenantcy. He remained in service until some time in 1863, when he was relieved in consequence of ill-health.

After the close of the war, he sold out the remnant of his former large property in Monroe county, and, in 1866, removed to East Pascagoula, where he erected on the bay a large steam saw and planing mill.

On a visit to Mobile on business, in October, 1867, Mr. Leslie contracted the yellow fever, which prevailed there, and, after his return home, he died, on the 10th of that month—leaving a widow and six children. After his death, his valuable mills, with large quantities of lumber, were consumed by fire; and thus perished the product of incessant labors for many years.

Mr. Leslie left many friends in Monroe county, and elsewhere in Alabama. He was esteemed a man of undoubted honesty, resolute will, indomitable energy, and of clear practical sense. He was equal to all the emergencies of life as a planter, lawyer, politician, and promoter of public enterprises. He was liberal, generous, and charitable, but of great firmness and decision of character.

DR. JOEL E. PEARSON, of Pickens, was a Representative first in 1839. Afterwards, he was several years engaged in business, and in the practice of his profession, in Mobile. He was repeatedly elected to the House, and in 1851 he succeeded Dr. Beckett in the Senate, which was his last session.

Dr. Pearson was a South Carolinian, highly cultivated in mind and in manners, which made his society agreeable and profitable. He was modest and unpretending, so that he seldom occupied the

floor in speaking, though noted for his diligence and attention to business. He was a Democrat, but liberal in his views, and tolerant of the opinions of others. He was popular without seeking public favor, and seldom failed of a large vote when his name was before the people. He was a gentleman of whose acquaintance and friendship one loves to think, after the separation. He died several years ago.

DR. GEORGE G. PERRINE, of Greene, had served in 1844 in the House, and in 1851 he took the place of Mr. Murphy in the Senate. He was a faithful member, and guarded with care the outgoings from the Treasury, as knowing from whence the money came, for he was a large tax-payer himself, and represented much taxable property. He was well-educated and highly intelligent, with a very pleasant, gentlemanly address, and was a physician and planter of large influence. In person he was tall and slender.

Serving in the House of Representatives at the session of 1851, there were a number of gentlemen who then made their first appearance in public life, and others had much legislative experience.

JAMES M. ARMSTRONG, of Lawrence, was a Democrat, elected in 1851 as favorable to the Compromise measures, although he allied himself with the organization of his party. Before doing this, he delivered a speech in the House in which he denounced the doctrine of secession as a heresy, which gave offense at the time to good many of that faith; but he said he could not do less, with his opinions and position at home, and he was allowed the credit of being honest and sincere in his views.

Mr. Armstrong was placed upon the ticket as an Elector, and canvassed his District in 1852 in the interest of Pierce and King, and voted in the College of Electors for these gentlemen. He possessed qualities of a solid character, and was looked upon as giving promise in the future; but in a year or two he died, just as he was entering upon a busy, and may be prosperous life. He made a good impression during his short service in the Legislature.

WILLIAM M. BYRD, of Marengo, a native of Tennessee, settled at Linden as a lawyer, and succeeded in establishing a fine practice. He was a Whig in principle, but liberal toward those who differed in opinion; and conservative in his views. Hence he was in favor of abiding by the Compromise measures of Congress on the Territorial question, and as such he was elected in 1851. He occupied a highly respectable position in the House, especially when legal principles were discussed.

Mr. Byrd afterward removed to Selma in the practice of his profession, and in 1863 was elected Chancellor of the Middle Division. In 1865, upon the reorganization of the State, he was elected to a seat on the Bench of the Supreme Court, which office he held until displaced by the reconstruction measures of Congress. He still resides at Selma, a profound jurist, and a gentleman of high social position. He is a member of the Methodist Episcopal Church, South, and was a lay delegate to the General Conference of that Church at Memphis, in 1870.

RUFUS H. CLEMENTS, of Tuskaloosa, served at the session of 1851, elected to the House as a Democrat, upon a divided ticket—his colleagues being Whigs. He was raised and educated in the county that gave him his first honors, and, without aspiring to further position, he has maintained the character of a high-toned gentleman and planter. His age and modesty prevented his participating extensively in legislative proceedings; but he established firm and pleasant relations among his fellow-members, and in general society, by an easy, affable courtesy and intercourse, such as a Southern gentleman can exhibit. In 1852 he married Miss Bugbee, of Montgomery, a very accomplished and beautiful young lady, daughter of Judge F. Bugbee.

HENRY W. COX, of Coosa, was a member only at the session of 1851. He was a lawyer, somewhat advanced in years. His early opportunities were limited, but by patient perseverance he succeeded over many difficulties in getting to the bar. He was a Whig, but high-strung in notions of Southern rights, and the dangers of their security which he always apprehended. He had no concessions to make on this point, and as early as 1851 he was a secessionist in feeling. Hence, with an increase of convictions, the crisis of 1860 found him ready, and he was a candidate for the Convention, and advocated secession direct, but was defeated.

As soon as the indications pointed to hostilities, Mr. Cox was in the field, and was the first to volunteer, assisted in raising a company, in which he held a subordinate office. In one of the battles of Virginia he was wounded in the mouth, and returned home for recovery. His age (upwards of fifty years) and the care of an aged mother and two sisters (he was a bachelor) were presented to him by his friends as reasons why he should remain at home. But his convictions of duty to the Southern cause made him deaf to all such appeals, and he returned to his post, having in the meantime been promoted to the rank of Captain. In the first battle, while leading his company in a charge, he was killed, and sealed upon the field, in the face of his enemies, his devotion to his native South.

He was firm in his views and purposes, even to obstinacy; but he took his positions after carefully examining a question, and without bigotry or intolerance toward others, he maintained the stand he had taken. His bravery, and the sacrifice of himself in the support of his principles, entitle him to a place in the recollections of his survivors in the fearful struggle.

N. S. GRAHAM, of Coosa, was elected in 1851 as a Southern Rights Democrat, and coöperated efficiently with that wing of the party throughout the session, taking a prominent rank for a new member. He was raised in Alabama, and completed his education at Princeton College, New Jersey. He studied law, and settled in the practice at Wetumpka. By the force of his character and legal attainments, he took a high rank at the bar, and secured the favorable regard of the people.

In the canvass of 1851, Mr. Graham, as the acknowledged head of the ticket associated with him, took the lead in discussion before the people, and sustained his cause, and his powers as a debater, to the satisfaction of a large majority in the county who voted for it. In 1855, the people called him out to combat Know-Nothingism, and he was again placed at the head of his ticket, and took the lead in the canvass. His efforts upon the stump, to crowded audiences, were bold, logical and masterly, and after an exciting contest, he was again elected by a large majority. He carried into the Legislature experience and maturity, which placed him on favorable ground, and he took an active, leading part in the deliberations of that exciting session. Not long afterward, he removed to Tuskegee, as a wider field for the exercise of his legal talents, where he now resides, engaged in the practice of the law.

ANDREW ISBELL HENSHAW, of Clarke, a graduate of the University of Alabama, was a member, and served only through the session of 1851. He belonged to the Union wing of the Democratic party, and was warmly in favor of the compromise measures as a guaranty of future peace and security to the South. While this question was up in the House, he made a speech, reviewing the progress of this controversy between the North and the South, in which he exhibited a thorough knowledge of the issues involved, and gained a good deal of character for one so young, and a new member. He was quite animated in debate, and becoming excited, he was somewhat extravagant in manner and gesticulation—all, however, in consonance with his subject.

Mr. Henshaw was pleasant in conversation, and altogether agreeable in his social relations. He was related to the gentleman of that name who was President Fillmore's Secretary of the Navy, from Boston, and was regarded as opulent in a pecuniary sense,

and withal a good citizen. He died a few years ago, by the time he had attained the meridian of life.

DR. C. C. HOWARD, of Autauga, was elected upon a Southern Rights issue. He was a Whig according to the old party distinctions, but separated himself from the great body of that party upon this question. He was a young man, well informed, and a ready, good speaker, and participated freely in the debates of the session, with credit to himself and his constituents. He is a gentleman of extensive reading, and exemplary in all the walks of life as a citizen, physician, and a Christian.

FRANCIS S. JACKSON, of Montgomery, was first a candidate for Solicitor of the Eighth Circuit in 1838. He was then a young man, and brought into the contest some local advantages of family influence in different counties. The office was eagerly sought by several young gentlemen, supported by their friends, which made the contest animated, if not exciting. The training was kept up for three weeks, when the candidates announced themselves ready. The following ballots exhibit the strength of the parties in the contest:

|                         | 1st. | 2d. | 3d. | 4th. | 5th. | 6th. |
|-------------------------|------|-----|-----|------|------|------|
| Francis S. Jackson..... | 36   | 37  | 39  | 44   | 53   | 70   |
| Walter L. Coleman.....  | 23   | 25  | 29  | 26   | 21   | *    |
| J. McCaleb Wiley.....   | 16   | 11  | *   |      |      |      |
| George L. Barry.....    | 25   | 24  | 23  | 23   | 10   | *    |
| Jefferson Buford.....   | 21   | 24  | 27  | 28   | 34   | 50   |

\* Withdrawn.

So Mr. Jackson was elected. I was Clerk of the House at the time, and seldom have witnessed such an exciting struggle between young men in a Convention of the two Houses; and it is worthy of note, that all of them were destined to occupy prominent situations in the future. Of Mr. Buford and Mr. Wiley, notice has already been taken.

At the session of 1838, Gen. John P. Booth, the brother-in-law of Mr. Jackson, was elected Judge of the same Circuit, a circumstance from which the Solicitor experienced some embarrassment in his official course, as complaints and charges were made against him on account of the relation, which induced him to resign, and, in a few years, he settled in Montgomery.

Mr. Jackson was a Democrat without the Southern Rights feature, and conceived a strong prejudice against the leaders of that wing, and was, withal, incautious in his remarks toward them.

In 1850, he opposed Judge Goldthwaite for the Circuit Court bench at the first election by the people, and was beaten. This soured his feelings, and in 1851, he accepted a place on the ticket for the House, favoring the Compromise measures, and was elected. He was extreme in opposition to the Southern Rights party, then designated FIRE-EATERS, and indulged a good deal of bitterness of feeling in his legislative course, giving too free scope to animosities growing out of old antagonisms, and became, in a measure, estranged from his former friends.

In 1852 (Judge Goldthwaite having gone upon the Supreme Court bench) Mr. Jackson opposed John Gill Shorter, who held the Executive appointment for Circuit Judge, and was again badly defeated. He found himself without a party, or any such reliance; for the organization upon which he was elected to the House had passed away, and old party names resumed, leaving him out in the cold. The fountains of his nature seemed to have become poisoned, and he was separated by his own act from those with whom he was wont to associate and cooperate. He removed to Pensacola, Florida, and not long afterwards died of yellow fever. He was a man of respectable abilities, and pretty well informed; and if he could have divested himself of the weakness of political envy and jealousy, would no doubt have succeeded better.

COL. BARRY, one of the competitors of Mr. Jackson for Solicitor, in 1838, was a native of Baltimore, where he often heard William Pinkney and William Wirt speak at the bar. He once visited, on some little matter of business, the venerable Charles Carroll, at his residence in Carrollton. Col. Barry removed to Georgia about 1828, was admitted to the bar, married Miss Betton, and in 1832, was appointed Aid to Gov. Lumpkin, with the rank of Lieutenant-Colonel. He afterward removed to Irwinton, now Eufaula. After his defeat for Solicitor, he was elected by the Legislature, Judge of the County Court of Barbour county, and at the end of his term he was beaten for reelection by Mr. P. H. Mitchell. Some time thereafter, he returned to Georgia. Between 1850 and 1858, he was Deputy Grand Master of the Grand Lodge of Georgia, and visited a large extent of the State in the discharge of his Masonic functions, reviving lodges, conferring degrees, etc. For a number of years he was a minister of the Methodist Episcopal Church, and died in Christian triumph at Cuthbert, in 1868.

MR. COLEMAN, another competitor of Mr. Jackson in 1838, was afterward Register in Chancery, and Mayor of Montgomery. He married a daughter of the Hon. B. S. Bibb, and is still engaged in the practice of the law.

PORTER KING, of Perry, was raised in the county he represented at the session of 1851, and is a son of Gen. Edwin D. King, a gentleman of great wealth, and renowned in his day for public spirit, especially in the support of institutions of learning. It is said that the Judson Institute, which has certainly accomplished and graduated a greater number of young ladies than any other in the State, owes its existence in great measure to the efforts and liberal contributions of Gen. King. The writer has, in other days, partaken of his unaffected, affluent hospitality, and that of his excellent lady, the mother of the member now under consideration, and remembers it with pleasure.

Mr. Porter King was a young man at the time of his legislative service, but displayed, in the exciting transactions of the session, qualities which guaranteed a good future. He was a Democrat, as was his father before him, and warmed into political life under the influence of a Southern sun, and feelings in common with the interests of the State. His literary attainments are well indicated by his appointment to a place on the Committee on Education and the University, and his duties and undertakings as a legislator were faithfully discharged.

In 1858 he was appointed Judge of the Second Circuit, to succeed Judge Brooks, and was elected by the people. He displayed upon the Bench rare legal abilities for one of his age, and by his simple, unaffected manner in his intercourse with the people, he produced a decidedly favorable impression. I heard a gentleman, who witnessed his deportment and administration on the Bench, say that his fund of common sense was invaluable, and presented a strong trait in his character. He participated in the war; but was prevented by physical infirmity from rendering the amount and quality of service in the field, which his will and his patriotism dictated. He is now in private life, tied down by the manacles of the Fourteenth Amendment—a gentleman of good culture and high social relations. He married a daughter of the late Chief Justice Lumpkin, of Athens, Georgia.

CAMERON MCKASKELL, of Monroe, a young man, a young lawyer, and a Democrat of the State Rights school, was elected in 1851. He was a gentleman of promising talents, well cultivated and developed for one of his age, and possessed fine social qualities.

His modesty, and the fact that he was a new member, kept him in the back ground, and while he was inclined to yield to the solicitations of his friends to make a speech on the political questions of the day (for which they felt assured he was fully competent) such was his deference to the older members of the House, and self-distrust from a want of experience in legislation, that he declined, and passed through the session without taking any part in

the discussions that were general, and into which others ventured who would not compare with him in the qualities of a public speaker. This was a commendable motive, and while many desired to hear him, they saw in his diffidence the germs of merit, and future efficiency. In his case the conclusion was well founded. The State had no little interest in Cameron McKaskell, for he united in his character many elements of usefulness, if not distinction, according to all appearances; but death put a close to all these in a year or two. He had just looked out upon life, and tasted of its honors and public trusts; but was allowed to go no further.

WILLIAM B. MOSS was a Georgian, and came to Montgomery about the time it was made the Seat of Government, to practice law. He was identified with the Whig party, and in 1851, was at the head of the House ticket, accepting the Compromise measures. He was justly regarded as a young man of promise, being well-endowed intellectually, and devoted to study and to the improvement of his mind. His habits were regular and well settled. He was not very social, but rather too much a student for that kind of enjoyment; but when he came before the people on the hustings, his close reading and investigation were manifest. With a small, rather diminutive person, he had a fine head and eye, and thoughtful look; and in speaking, his voice was clear and strong, his language well chosen, and his subjects well digested and discussed. He had a considerable degree of boldness and self-reliance, which contributed to his success in public speaking, and he seldom failed to make a good impression.

Mr. Moss certainly had an encouraging future in prospect, possessing as he did talents of no ordinary class, aided by strong application and well-regulated habits; but in 1854, or thereabout, he fell a victim to yellow fever, and the community in which he resided lost a favorite, and the State a rising citizen.

JOHN D. RATHER, of Morgan, took his seat in the House first in 1849, and served through the session with marked credit and ability for a new member and young man. He had been engaged in the practice of the law in Morgan, where he was raised and came forward. In 1851, he was reëlected, accepting the Compromise adjustment of the territorial questions, and, at opening of the session, was elected Speaker of the House, over Mr. Nathaniel Davis. He made a good presiding officer, and displayed, in the organization of the committees, a liberal and enlightened judgment. He was well sustained by the House in his administration of parliamentary law, and altogether acquitted himself to the satisfaction of the members.

A few years previously, he had been elected Brigadier-General of Militia, and in 1856, he was upon the Democratic Electoral Ticket. In 1857, he was elected Senator from the District of Morgan and Limestone, and in 1859, he was elected President of the Senate, to the discharge of the duties of which station he brought the experience of his term as Speaker, and further maturity of mind and character.

Gen. Rather was more solid in fact than showy in appearance, and accepted place, not only for the honors it brought, but in order that he might perform a public duty, without ostentation, and in a plain, matter-of-fact way. He still lives, and, if I mistake not, is engaged in the practice of his profession at Tusculumbia.

PRICE WILLIAMS, of Mobile, was a native of Virginia. In early life, he settled in Livingston, Alabama, where he held the lucrative office of Clerk of the County Court for many years, and was a model of neatness and efficiency. Having acquired considerable property by prudent management, he removed to the city of Mobile in 1848, where he became a partner in the commercial house of Baker, Williams & Co.

He had been a citizen of Mobile several years without participating, to much extent, in public affairs, when, at a public meeting held in the city in the summer of 1851, he was brought forward as one of the speakers; and his effort so impressed the audience, that he was nominated on the ticket of the Southern Rights Democracy, and elected. He took a prominent position in the House, and was made Chairman of Banks and Banking, and placed on the Committee of Ways and Means.

In his duties as a legislator, Mr. Williams exhibited that energy, industry and wise forecast which marked his course through life, and he closed his legislative career of one session with an enviable reputation. He was conscientious, prompt and decided in the performance of duty, and in the maintenance of principle. I heard him make a speech in the Grand Lodge, in the Winter of 1851, on the introduction of politics, or an attempt to introduce the subject, in a report read to that body. Mr. Williams met it on the threshold, in bold, stern opposition, in which he vindicated the character of the Order from interference with such questions, or allowing them to enter their deliberations. The speech produced a profound sensation, and the Lodge sustained his position.

Mr. Williams is President of the Board of Trade in Mobile, a real estate broker, and a gentleman of public spirit, social and moral worth. For more than thirty years, he has been an exemplary member of the Methodist Episcopal Church.

JAMES S. WILLIAMSON, of Lowndes, was elected in 1851, on a full "Compromise" ticket. He was a Democrat who adhered firmly to the Union, as contra-distinguished from the Southern Rights wing of that party, and took a decided stand upon the "Georgia Platform," which he maintained in speeches and by votes.

He was a son of Judge Peter Williamson, a man of position and influence in his day—was well educated, and a planter. From his ready off-hand skill in debate, I infer that he belonged to the legal profession, although of this fact I am not certain. He was a member of the Convention in 1861, and advocated and voted for secession, taking an active interest in the formation of a new government.

When hostilities commenced, Mr. Williamson entered the service as a Captain, and in one of the battles in Virginia, he was killed. He was a brave, conscientious man, and while he abided in his convictions the action of Congress upon the slavery question, as a final settlement, in 1861 he redeemed his pledge of 1851, to resist any infraction of the terms of that settlement, and sealed his sincerity with his life's blood. In his private relations, he was a gentleman of much respectability and substance of character.

BENJAMIN M. WOOLSEY, of Dallas, was a member of the House in 1851. He was a Whig, and was elected as favoring the Compromise. He was again elected in 1855, and served through both sessions with credit to himself and with advantage to the public.

Mr. Woolsey was a native of Augusta, Georgia, but raised principally and educated in Mobile, and there entered upon the practice of the law. He afterward married in Dallas, in which he settled, taking rank in a few years as one of the leading men of the county. His interest in planting diverted his mind a good deal from legal pursuits; yet he held a high position at the bar, and in the legal fraternity.

In private life, Mr. Woolsey is a gentleman of much purity of character, and of agreeable social qualities; but he could hardly be otherwise, raised by such a mother as he may boast—the present Mrs. Andrew—a lady of exalted worth, intelligent, dignified and accomplished, who has been lately called to mourn the death of her venerable consort, the Senior Superintendent of the Methodist Episcopal Church, South.

## CHAPTER XXXII.

*Session of 1853—Inauguration of Gov. Winston—Elections and Sketches—Hon. F. S. Lyon, Dr. A. A. Lipscomb, and others.*

As a result of the reorganization of parties in the Winter of 1851, delegates attended the Democratic and Whig National Conventions at Baltimore, in 1852—the former nominating General Franklin Pierce and Col. William R. King, and the latter nominating Lieut. Gen. Winfield Scott and the Hon. William A. Graham, as their respective candidates for President and Vice-President of the United States. A Southern Rights Convention held in Alabama nominated Gov. Troup, of Georgia, for President, and Gen. Quitman, of Mississippi, for Vice-President, who received a scattering vote. At the polls, the result in Alabama was, 26,881 for Pierce, and 15,038 for Scott—showing a majority of 11,843 in favor of the former candidate.

In the Spring of 1853, a State Convention was held at Montgomery, at which John A. Winston was nominated for Governor. The subject of State aid to railroads began to be discussed, and had many advocates in various parts of the State, particularly the project of uniting North and South-Alabama by a central main trunk line. There was no settled plan of coöperation throughout the State with the friends of that policy; but in some localities the feeling was strong, and encouraged opposition to Mr. Winston, which, however, was fruitless, as will be seen hereafter.

In many portions of the State the Temperance question, and the policy and constitutionality of an Anti-Liquor Law, as it was called, became an exciting topic. In the Spring of 1853 a Temperance Convention, largely attended, met at Selma, and, among other things they adopted the draft of a bill to be submitted to the Legislature at the next session, prohibitory in its design, which was sent out, and produced an issue in many counties; but in the shape it was prepared the measure failed to go through either House. Both branches of the Legislature were Democratic—that party having a majority in the Senate for the first time since 1847.

Pending the canvass of 1853, there was a contest in some of the districts, for Congress, when the following gentlemen were elected from their respective districts:

1. Philip Phillips, of Mobile;
2. James Abercrombie, of Russell;
3. Sampson W. Harris, of Coosa;

4. William R. Smith, of Fayette;
5. George S. Houston, of Lauderdale;
6. Williamson R. W. Cobb, of Jackson;
7. James F. Dowdell, of Chambers.

Of these seven Representatives, Capt. Abercrombie was the only Whig elected to Congress; the others were all Democrats. Mr. Dowdell was the only new member, and a sketch of him will appear hereafter.

#### THE LEGISLATURE.

The General Assembly met on the 4th of November, 1853. The attendance was general on the first day. In the Senate, Gen. Joseph P. Frazier, of Jackson, was the nominee of the Democratic party for President, and was opposed by Col. William B. Martin, of Benton. Messrs. Blake, of Dallas, and Hewlett, of Walker, claiming to be Democrats, and all the Whigs voted for Mr. Martin, which secured his election. Joseph Phelan was elected Secretary; D. S. Nicholson, Assistant Secretary; and James Austin, Door-Keeper.

In the House, William Garrett, of Coosa, was unanimously elected Speaker. For Clerk, the contest was as follows:

|                        | <i>1st Ballot.</i> | <i>2d Ballot.</i> |
|------------------------|--------------------|-------------------|
| A. B. Clitherall.....  | 28                 | 32                |
| Malcolm D. Graham..... | 43                 | 52                |
| J. F. Johnson.....     | 7                  | 5                 |
| Thomas E. Melver.....  | 3                  | 3                 |
| J. T. S. Pack.....     | 13                 | 3                 |

Mr. Graham was elected Clerk; Mr. Albert Elmore, Assistant Clerk; Mr. James A. Hogan, Engrossing Clerk; and Mr. James R. Brumridge, Door-Keeper, over James H. Owen, who had long efficiently discharged the duties, but became disqualified by dissipation, of which he died in a few years after his defeat.

The two Houses contained a large amount of talent and experience, and the discussions upon various questions were conducted with marked ability. The leading speakers were, in the Senate, Messrs. Watts, Blake, Baker, Bethea, Jemison, Ashley, etc. In the House, Messrs. L. P. and Percy Walker, Belser, Judge, Cochran, Meek, Hubbard, Hall, Greene, Curry, Martin, Shelley, Humphreys.

The position of several gentlemen in the two Houses is indicated by the chairmanship of Committees. In the Senate:

- On the Judiciary, Mr. Blake;
- On Finance and Taxation, Mr. Dickinson;
- On Banks and Banking, Mr. Bradford;
- On Education, Mr. Malone.

In the House:

- On the Judiciary, Mr. Cochran;
- On Ways and Means, Mr. Scott;
- On Education, Mr. Meek;
- On Internal Improvement, Mr. Curry;
- On Propositions and Grievances, Mr. Foscoe.

The annual message of Gov. Collier was transmitted on the 15th November, which occupies thirty-seven pages of the printed Journals.

After some beautiful and touching preliminary remarks, the Governor alludes to the death of Hon. William R. King, Vice-President of the United States, in a style of eulogy well deserved by the character and public services of that eminent citizen of Alabama.

The message is laid off into sections, and under each head he examines, with more or less elaboration, the following topics:

1. Internal Improvements.....about 12 pages.
2. Mobile Bay and its Improvement.....1 page.
3. Atlantic and Pacific Railroad.....3 pages.
4. \*The Code of Alabama.....2 pages.
5. Commissioner and Trustee to settle affairs of State  
Bank, etc.....2 pages.
6. Banks and Banking.....2 pages.
7. University, Education, etc.....3 pages.
8. Judiciary, and Elections by the People.... . . . .1 page.
9. Taxes—Their Assessment, Collection, etc . . . . .2 pages.
10. Penitentiary, etc.....1 page.
11. Slaves—Sale of under Execution, etc.....1 page.
12. Line between Alabama and Georgia.....1 page.
13. The Militia and the Military.....2 pages.
14. Miscellaneous.....4 pages.

From the above statement, some idea may be formed of the substance of the message. It was a carefully prepared state paper at the close of his administration, and Gov. Collier has thus placed upon record his views of public policy, which may be referred to with profit by all who desire to trace the progress of certain measures.

OFFICIAL VOTE FOR GOVERNOR.

On the 18th November, the two branches of the General Assembly convened in the Representative Hall, to count the votes for

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\*The Code subsequently adopted by the Legislature was printed by Thomas DeWolf and F. H. Brittan.

Governor; and after the official returns were examined, the following result was declared:

|                            |               |
|----------------------------|---------------|
| For John A. Winston.....   | 30,116 votes. |
| For William S. Ernest..... | 10,157 votes. |
| For Alvis Q. Nicks.....    | 5,763 votes.  |
| For — Walker.....          | 561 votes.    |
| For — Baker.....           | 5 votes.      |
| Scattering.....            | 31 votes.     |

Mr. Winston having received a majority of all the votes polled on the first Monday in August, 1853, the Speaker declared him duly elected Governor of Alabama for the term prescribed by the Constitution.

There were two leading measures discussed and voted upon during the session: First, the subject of State aid to railroad companies; and second, a system of free public schools. The first was defeated, and the second was successful, having passed through both Houses, after much amending and side discussion. Here commenced the system of free public schools in Alabama; and it is worthy of remark, that the measure was brought forward by so competent a scholar and legislator as Judge Meek.

#### BANK COMMISSIONER.

The Hon. Francis S. Lyon, who had for years discharged the duties of Commissioner and Trustee of the Banks, made his final report, and signified to the General Assembly his intention to retire from the labors of the office. The House Journal (page 129) states:

Mr. Bell, from said Committee, to whom was referred the report of F. S. Lyon, Commissioner and Trustee to settle the affairs of the State Bank and Branches, and to provide for the payment of the public debt, with instructions to audit and settle his accounts, then reported that they had discharged that duty, and a settlement of said accounts and settlement, together with the following resolutions:

*Resolved*, That the House of Representatives has learned with regret the determination of F. S. Lyon to retire from the office of Commissioner and Trustee of the State Bank and Branches, the duties of which he has so long discharged with such distinguished fidelity and ability.

*And be it further resolved*, That in evidence of their high appreciation of his services, the thanks of the House of Representatives are hereby tendered to him, and that the Speaker of the House of Representatives be requested to furnish him with a copy of these resolutions.

The concluding resolution was unanimously adopted by the House, and the Speaker, accompanied by several gentlemen of position—among them Mr. John G. Graham, then of Wetumpka, now in Texas—waited upon Mr. Lyon, at his rooms in the Exchange Hotel, and delivered to him a well-prepared copy of the

resolution. After the proceedings of the session shall be noticed, a sketch of Mr. Lyon's public life will be given for the encouragement of young men, and for the approbation of all classes.

#### DEATH OF VICE-PRESIDENT KING.

From the House Journal (page 537) the following is an extract:

Mr. Sterritt, from the Joint Select Committee, to whom was referred so much of the Governor's message as relates to the death of the Hon. William R. King, Vice-President of the United States, submitted to the House joint resolutions, and also the following report:

That, in responding to the suggestions of the Hon. Henry W. Collier relative to the melancholy event, your Committee but too sensibly feels the inadequacy of language to convey, in suitable terms, the profound and pervading grief which the announcement of this mournful affliction brought, not only upon our beloved Alabama, but on our common country. The deep sorrow evoked by this sad, but not unlooked-for event, penetrated the bosom and throbbed in the hearts of his countrymen, without distinction of party, and inspired a common desire to unite and testify their full appreciation of his private virtues and public services. The enumeration of those virtues and the recital of those services belong, not to this occasion, but to our country's history. Holding, as we do, in grateful remembrance his high and excellent qualities of head and heart which adorned his life as a private citizen and as a public servant, we can not but acknowledge how frail a memento of departed worth is the sculptured column which shall rise to perpetuate his name, compared to that more enduring monument which he has reared in the patriotic hearts of his countrymen! Therefore,

*Be it resolved by the Senate and House of Representatives in General Assembly convened,* That while the State of Alabama deplores the death of the Hon. William Rufus King, Vice-President of the United States, she will ever cherish, with emotions of gratitude, his memory as one of her earliest devoted friends and worthiest patriotic sons.

*And be it further resolved,* That in his death, the State of Alabama has lost one of her brightest jewels, the country a public benefactor, and republican freedom an able and consistent friend.

*And be it further resolved,* That as representatives of the State, in whose behalf he rendered signal services in the weakness of her infancy as well as in the strength of her riper years, we desire to record upon the legislative archives of the same the deep sense of gratitude we entertain for his public services, and the sincere regret we feel for his death.

These resolutions were unanimously adopted in both Houses.

#### INAUGURATION OF GOVERNOR WINSTON.

On the 20th of December, Gov. John A. Winston was inaugurated in the presence of the two Houses, and of a vast concourse of citizens assembled to witness the ceremonies.

In his very appropriate address, he declared his political creed to be that embraced in the doctrines of the State Rights party, and gave his reasons, as opposed to consolidation. He was in favor of applying all trust-funds faithfully; and if the State should at any time have a surplus in the Treasury, it might be loaned to railroad companies, on adequate security; but in no event should

the State engage in works of internal improvement, or become security for such, until the whole public debt shall be paid. He declared himself in favor of a judicious system of popular education, and of sustaining the University. Toward the close of his address, the Governor said:

Senators and Representatives, when the public debt shall have been extinguished—when we shall be prepared to execute every trust confided to us—when we shall have a wise, just and permanent code of laws, faithfully administered—when our sons shall be educated at our own noble University—when our daughters shall be accomplished and reared into womanhood in their own sunny South—when we shall have a judicious system of popular education—when every section of the State shall be connected by works of internal improvement, constructed by the energy and enterprise of its citizens—I say, when we shall have all these, and at the same time a faithful administration of the General Government, according to a strict construction of the Constitution, how great, prosperous and happy a people we shall be! and what a proud eminence our beloved State will then occupy among her sisters in the galaxy composing the Republic!

Gentlemen, it will be my pride and my pleasure to act with you heartily in all measures which may tend to accomplish these objects, and to effect results so glorious.

#### BASIS OF REPRESENTATION.

In apportioning Representatives in Congress, the attention of the Senate was engaged in a lengthy and able debate on the basis, whether it should be Federal, or confined to white persons, which was participated in by T. H. Watts, B. H. Baker, W. A. Ashley, T. B. Bethea, Samuel R. Blake, and Wm. Woodward. The House had entered so fully upon the School and Internal Improvement questions, that the members were not disposed to second the Senate in the discussion; the bill passed, however, based on the *white* population.

#### SENATORIAL ELECTIONS.

A vacancy had occurred in the United States Senate, by the resignation of the Hon. W. R. King, which had been supplied by the Executive appointment of Ex-Gov. Fitzpatrick. The latter was elected by a vote of 107, without any opposition, to serve the unexpired term, till 3d March, 1855.

The term of Senator Clemens having expired on 3d March, 1853, Mr. C. C. Clay, Jr., was elected his successor by a vote of 85, without any regular opposition—some scattering votes having been given, 37 for R. W. Walker, and 6 for Mr. Clemens.

#### JUDICIAL ELECTIONS.

The two Houses proceeded to the election of Judges of the Supreme Court, under a reorganization of that tribunal, and the reduction of the number of Judges from five to three.

William P. Chilton was elected without opposition. George Goldthwaite was elected by a vote of 89, against 36 given for Chancellor Lessene. For the third seat, Samuel F. Rice, John D. Phelan, and George W. Stone were competitors, as the ballots will show:

| <i>Ballots.</i> | <i>Rice.</i> | <i>Phelan.</i> | <i>Stone.</i> |
|-----------------|--------------|----------------|---------------|
| First .....     | 36           | 50             | 22            |
| Second .....    | 35           | 50             | 41            |
| Third .....     | 39           | 49             | 39            |
| Fourth .....    | 42           | 48             | 38            |
| Fifth .....     | 40           | 52             | 36            |
| Sixth .....     | 41           | 51             | 36            |
| Seventh .....   | 38           | 55             | 34            |
| Eighth .....    | 39           | 51             | 34            |
| Ninth .....     | 41           | 54             | 31            |
| Tenth .....     | 59           | 64             | 6             |
| Eleventh .....  | 65           | 59             | *             |

It will be perceived from the above table that, on the 10th ballot, Judge Phelan came within one vote of an election. On the 11th ballot Judge Rice had a majority, who was declared duly elected.

During the recess, Gov. Collier appointed the Hon. Lyman Gibbons a Judge of the Supreme Court, to supply the vacancy of Judge Dargan, resigned.

For Chancellor of the Southern Division, to supply the place of Joseph P. Saffold—Wade Keyes, Francis Bugbee, and Sterling G. Cato, were placed in nomination.

| <i>Ballots.</i> | <i>Keyes</i> | <i>Bugbee</i> | <i>Cato</i> |
|-----------------|--------------|---------------|-------------|
| First .....     | 43           | 32            | 48          |
| Second .....    | 45           | 28            | 50          |
| Third .....     | 47           | 30            | 46          |
| Fourth .....    | 53           | 17            | 50          |
| Fifth .....     | 66           | *             | 58          |

Mr. Keyes having a majority on the fifth ballot, was declared duly elected.

For Chancellor of the Northern Division, the contestants were A. J. Walker, Septimus D. Cabaniss, Lemuel Cook, and Louis Wyeth.

| <i>Ballots.</i>     | <i>Walker.</i> | <i>Cabaniss.</i> | <i>Cook.</i> | <i>Wyeth.</i> |
|---------------------|----------------|------------------|--------------|---------------|
| First Ballot .....  | 50             | 36               | 18           | 18            |
| Second Ballot ..... | 56             | 38               | *            | 16            |
| Third Ballot .....  | 70             | 44               |              | 8             |

\* Withdrawn.

Mr. Walker having a majority of all the votes cast, was declared duly elected Chancellor of the Northern Division.

For Solicitor of the Ninth Circuit, John J. Woodward received 71 votes and was elected over Johnson J. Hooper, who received 59 votes.

For Solicitor of the Second Circuit, the following gentlemen were the candidates:

|                        | 1st. | 2d. |
|------------------------|------|-----|
| J. A. Stallworth ..... | 62   | 75  |
| Girart Hewett .....    | 26   | 27  |
| John McCaskill .....   | 25   | 18  |
| William A. Beene ..... | 18   | 14  |

The first named on the list was proclaimed victor.

For Solicitor of the Seventh Circuit, the competitors were:

|                        | 1st. | 2d. | 3d. |
|------------------------|------|-----|-----|
| A. E. Vanhooze .....   | 48   | 55  | 66  |
| E. P. Jones .....      | 44   | 47  | 48  |
| Thos. E. Barclay ..... | 10   | *   |     |
| B. B. Little .....     | 10   | 8   | *   |
| John H. Inge .....     | 17   | 10  | 14  |

#### PUBLIC EDUCATION.

In the organization of free public schools at this session, a State Superintendent was provided for, to be elected by joint vote of the two Houses. For this office, the following gentlemen were placed in nomination:

|                        | 1st. | 2d. | 3d. | 4th. |
|------------------------|------|-----|-----|------|
| William F. Perry ..... | 32   | 35  | 40  | 55   |
| A. A. Lipscomb .....   | 31   | 29  | 43  | 46   |
| B. F. Porter .....     | 8    | 10  | 6   | *    |
| J. W. Taylor .....     | 5    | *   |     |      |
| F. G. Freeman .....    | 19   | 19  | 14  | *    |
| T. W. Bradley .....    | 9    | *   |     |      |

It is proper to remark that only two of these gentlemen, Messrs. Perry and Lipscomb, were regarded as contestants. The others were absent, and their names used without their knowledge, through the partiality of friends.

\* Withdrawn.

## SECRETARY OF STATE.

For this office there was a hard contest between Mr. Benham, the incumbent, John H. Caldwell, Esq., and Gen. R. W. Higgins, as seventeen ballotings will show:

| <i>Ballots.</i> | <i>Benham.</i> | <i>Caldwell.</i> | <i>Higgins.</i> |
|-----------------|----------------|------------------|-----------------|
| First .....     | 47             | 36               | 37              |
| Second .....    | 44             | 37               | 36              |
| Third .....     | 50             | 38               | 31              |
| Fourth .....    | 43             | 32               | 30              |
| Fifth .....     | 50             | 37               | 30              |
| Sixth .....     | 51             | 39               | 27              |
| Seventh .....   | 53             | 42               | 23              |
| Eighth .....    | 52             | 41               | 21              |
| Ninth .....     | 54             | 41               | 20              |
| Tenth .....     | 58             | 58               | *               |

Gen. Higgins was here renominated, and Messrs. A. B. Clitherall and Thomas Harrison nominated. Thence the votes stood:

| <i>Ballots.</i>   | <i>Benham</i> | <i>Caldwell</i> | <i>Higgins</i> | <i>Clitherall</i> | <i>Harrison</i> |
|-------------------|---------------|-----------------|----------------|-------------------|-----------------|
| Eleventh .....    | 53            | 39              | 15             | 11                | 4               |
| Twelfth .....     | 54            | 43              | 17             | 5                 | 2               |
| Thirteenth .....  | 57            | 44              | 14             | 3                 | 3               |
| Fourteenth .....  | 56            | 42              | 15             | 4                 | 5               |
| Fifteenth .....   | 57            | 42              | 14             | 5                 | 3               |
| Sixteenth .....   | 60            | 47              | 12             | 4                 | *               |
| Seventeenth ..... | 62            | 52              | *              | *                 |                 |

From the number of names before the Convention of the two Houses for Secretary of State, the stubborn contest, and the small vote cast on the final ballot, when Mr. Benham was elected, it was evident that neither was acceptable to a good many of the members.

## ADJOURNMENT.

The session was long and laborious, terminating on the 18th of February, 1854. The new Code of Laws, adopted in 1851, and the repeal of all laws not contained in it, was discovered, when it was published, to be defective, in omissions and changes that excited public discontent; and the correction of these errors, and giving consistency to the Code, engaged a large portion of the public time. Other measures of more or less importance were acted upon during the session, which, for the want of space, can not be particularly noticed.

\* Withdrawn.

## PERSONAL NOTICES.

In conformity to a rule, to pay attention to gentlemen who have been directly or indirectly connected with public life, even as candidates for office, I now proceed to give personal sketches in as brief a manner as the facts, and a fair measure of justice, will allow.

JAMES F. DOWDELL, elected to Congress in 1853, has since that time been so prominently before the public, with qualities so deserving respect, that a brief record of his services and character cannot fail to be useful.

In 1852, he was upon the Electoral ticket, and voted for Pierce and King; and in canvassing for those gentlemen, he so impressed the public mind in his favor, that he was nominated and elected to Congress as the candidate of the Democratic party. The apportionment of 1853 threw him into the Montgomery District in part, and made his return to Congress doubtful in 1855. But he stood a candidate for reëlection, and was opposed by Col. Thomas H. Watts, than whom a more formidable opponent in the elements of mind and character, and powers in debate, could not have entered the list against him. This year was the great political contest of Know-Nothingism, and the measuring of strength between these two gentlemen was a manly exhibition of intellectual strife from its inception to its close. Col. Dowdell was elected by a small majority.

In 1857, he was opposed by Col. Thomas J. Judge, and thus another contest of giants in the political arena was brought on. But Col. Dowdell was again the victor; and the defeat of two such men in succession, for a seat in the Congress of the United States, made him a hero indeed. It would have been distinction to have made the canvass and suffered defeat at the hands of either, but to have vanquished them both in turn was a crowning with laurel of which any candidate for public favor might justly feel proud, and hence, Col. Dowdell was regarded in political circles as a prodigy, and his reputation became National. He could occupy no other than a prominent position in Congress, where his conquest was known, and he received the deference and respect of his fellow-members.

At the end of his third term, Col. Dowdell retired from Congress, and remained in private life until the events of 1860 called him out, when he was elected to the Convention of 1861, and cooperated with the Secession party, and shared actively in accommodating the State to the new order of things. Hostilities commencing, he raised a regiment (the 37th), and entered vigorously the service of the Confederate States, and was distinguished in

several battles, especially that of Corinth, for his coolness and bravery. But the fatigue and exposure of the camp were more than his feeble constitution could bear for any great length of time, and he returned home sick, and was obliged to relinquish the active service.

Col. Dowdell has always, both in public and private life, been distinguished for the purity of his moral character, and while at Washington he maintained a high standard of religious deportment. This adds lustre to his record, when it is remembered that there have been but few men in Congress, comparatively, who have been able to resist the thousand temptations which are said to present themselves in convivial and social circles in the Federal City, which had been the slaughter house of the members from the "bloody Seventh" for years. But he passed through them all, illustrating in his daily example the virtues and graces of the Christian gentleman, and challenging the respect of all classes.

Since the war, he occupied the position of President of the East-Alabama College, until failing health compelled him to retire. He is a native of Georgia, and has been thoroughly educated, and his family noted for extensive wealth. One of his sisters married Gen. Seth P. Myrick, of Baldwin county, Georgia, an enterprising and successful planter, well known for his liberal hospitality, and contributions to the Church. Another sister married Dr. A. A. Lipscomb, and another married William F. Samford, Esq.

In these days of moral depression, from causes which have entered largely into the experience of the South of late years, it is refreshing to study the character and the example of such a man as Col. Dowdell. Having achieved victories in the field of politics, and having acted as a patriot in the most trying situations, with faculties of mind and an amount of literary culture of the highest order, and still in meridian vigor, he heartily applies himself to the duties of the school-room, to unfold the intellect of youth; and better than all, he has dedicated himself, in the gospel ministry, to the work of saving souls, as a local preacher of the Methodist Episcopal Church! Such a man, such an example, and such an influence, must be a blessing to any community.

[NOTE.—The lamented death of Col. Dowdell occurred in 1871, after the above sketch was written.]

HON. FRANCIS S. LYON is a native of North Carolina, and emigrated to Alabama, then a Territory, in 1817, and first settled at St. Stephens. In 1822 he was elected Secretary of the Senate, and was reelected each year for eight succeeding years. He was a member of the Senate at the sessions of 1832, 1833, and 1834, and at the latter was elected President of that body.

The particulars of his early life can not fail to be interesting and profitable, and so far as I have been able to ascertain, he was a Clerk in the old Tombigbee Bank, located at St. Stephens, of which his uncle, George S. Gaines, was Cashier. This was previous to 1819. The presumption is, that under the friendly auspices of his relative, the Cashier, and of his uncle, Major-General E. P. Gaines, he, about this time, read law in the office of William Crawford, Esq., who attained distinction, and was, for many years, United States Judge of the Southern District of Alabama. Judge Crawford contested for a seat in the United States Senate, in 1821, against Col. William R. King.

As I have stated, Mr. Lyon was eight years Secretary of the Senate, and such a Secretary! The records made by him will bear a comparison, in accuracy and neatness, with any ever made in the State. There was no *Journal Secretary*, or *Clerk*, in his day, or scarcely need of an Assistant. The *enrolled acts* of his times were mostly in his hand-writing, and can now be seen in the State Department, a proper standard for all good Clerks to aspire to; for he kept his Journal, and enrolled most of the bills, and they are all stamped with the marks of his business qualities and faithfulness. No interlineations, or blots, or irregularities; and these Journals and enrolled bills will stand as a model of clerical excellence worthy of imitation, as long as they remain in the archives of the State. Here he laid the foundation of his future success in life, and gave an earnest of capacity for the service he was destined to render the State, in his peculiar adaptation to business.

In 1835, he was elected to Congress from the Mobile District, and reelected in 1837, serving through both terms to the satisfaction of his constituents, with a very respectable rank in the deliberations and doings of that able body of statesmen.

The Legislature, in the act of 1846, constituting a Commission to take charge of the assets of the State Bank and Branches, could not overlook the peculiar fitness of Mr. Lyon for a place in it, and in bringing his abilities to the aid of the State at this trying crisis, was eminently fortunate. Nothing in the transactions of these critical times contributed more to uphold the public confidence than the name of Mr. Lyon in connection with the management of these assets. In 1847 he was constituted *Sole Commissioner and Trustee*, with extraordinary powers and discretion in collecting the debts, and taking up the bonds of the State, at that time considerably depreciated. No one man had ever received such proof of confidence in the management of the finances of the State. He was continued in 1849, and again in 1851, with the same unrestricted powers.

On the 25th November, 1853, Mr. Lyon addressed a communication to the Speaker of the House of Representatives, requesting

him to lay before that body the report, then enclosed, of his transactions as Commissioner and Trustee to settle the affairs of the State Bank and Branches.

That report was referred to a joint Select Committee, and after its careful examination, the Committee made a report, signed by Mr. Jemison on the part of the Senate, and by Mr. Bell, on the part of the House, from which the following is an extract:

|  |                |
|--|----------------|
| Our bond debt when the banks were placed in liquidation, as will be seen from the accompanying tabular statement, was..... | \$9,232,555.55 |
| Bearing an annual interest of.....   | 472,757.77     |
| Which debt is now reduced to.....  | 3,584,666.67   |
| Bearing an annual interest of.....   | 178,523.33     |
| The entire circulation of the banks outstanding 1st November, 1847, was .....  | 457,177.00     |
| Which is now reduced to.....   | 290,237.00     |

During the process of winding up the Banks, the outstanding circulation has not been redeemed with specie, but the fact of its having been received in payment of taxes and other public dues, and the general confidence felt in the skillful management of the Commissioner in closing up the affairs of the Banks, and in the good faith of the State, has caused the bills to pass at or near par, and they are at this time, for all ordinary business purposes, quite equal to the notes of the specie paying banks of the State.

While the community has sustained no loss by their circulation, the State has derived very great and important advantages therefrom.

The most sanguine friends of the system adopted and pursued in winding up and closing the affairs of the Banks had not, in its commencement, ventured to predict or hope so favorable a result as has been witnessed.

Your Committee, in presenting a state of facts so auspicious and gratifying to the people of the State, regret to learn that the officer mainly instrumental in bringing about a state of things so conducive to the credit and flattering to the prospects of the State, finds it no longer convenient to remain in office where his labors have been so signally useful to the public.

The Committee remark that in the sale of the stock which the State owned in the Bank of Mobile, amounting to \$600,000, Mr. Lyon had made a profit of \$52,500 for the State over the cost of purchase. From beginning to end, the execution of his trust, as shown by the Committee, has been beneficial to the State, and most honorable to the skill and fidelity of the Commissioner.

Mr. Lyon was called to preside over the January Convention of 1860, preparatory to the Charleston Convention, and was appointed a delegate for the State at large, and also to Baltimore. In 1861, he was elected to the House, to fill the vacancy occasioned by the death of Mr. Leseur, of Marengo. In 1861, he was also elected from the Marengo District to the Congress of the Confederate States, and was reelected in 1863, bringing all the while his great powers in council to assist the Confederacy.

Throughout the whole period of his life, Mr. Lyon has occupied a high position legally and socially. Without attempting to be brilliant, he seems to prefer the quiet, the solid attainments of a thorough business man, and profound lawyer. Faithfulness in all the relations of life, private, professional, and public, is a striking

trait in his character. As he was, as Secretary of the Senate, with his Journal and his bills in hand, so he was as Commissioner and Trustee of the Banks, with the responsibilities of millions upon him, faithful and industrious, anxious to meet the just expectations of the State, threatened with bankruptcy on the one hand, or excessive and burthensome taxation on the other in case he failed. But it should be recorded and held in remembrance, in estimating the services of public men in Alabama, that in his administration of the trust committed to his hands, he saved to the State by his activity and vigilance, coupled with an integrity that can not be questioned, millions of dollars, and it was done so quietly that, but for the publication of his reports in the newspapers, as required by law, the public would have known nothing about it. And it is very questionable whether he made an enemy or gave just grounds of offense to a single Bank debtor during the period of his administration.

Mr. Whiting told me an anecdote which illustrates his character in this respect. He said that a Bank debtor was pressing terms upon him, as Assistant Commissioner, for the settlement of his debt, which he could not accept, and the debtor applied to Mr. Lyon, confident that he would get favorable terms of compromise. He did so, and when he returned, Mr. Whiting asked him of his success. He replied that he did nothing; that Mr. Lyon was so mild and reasonable, and so very conciliatory in his talk, and was so anxious to save the credit of the State, that he concluded to try and pay the whole debt; that his denial of the proposition was so gentle that it was really agreeable.

I have no doubt that this instance is only one of hundreds of cases, and is one of the secrets of his success. Few men in the history of the State have had such a record as Mr. Lyon, and few present such a model for young men, and business men, and public men, in the faithful discharge of duty. Without parade of any kind, he prosecuted his work, and had it entirely under his control. His visits to New York in the interest of the State were not announced in the papers, nor at what hotel he lodged. He courted not, but avoided, such distinction. He had no private secretary, but indorsed the reports made by his assistants in the different Banks himself, and carried on, as he must have done, an extensive correspondence. There were no idlers or hangers-on about him. For instance, he extended four or five millions of Bonds falling due, and made the exchanges with no extra assistance, or charge to the State—a transaction that in these days, from the way such matters are now managed, would have cost the State thousands and tens of thousands of dollars. His last report is in itself a model of clearness and simplicity in statement which any citizen can comprehend.

In early life, Mr. Lyon married Miss Glover, of Marengo county, and still resides at Demopolis, where he first settled, and has raised a large family. One of his daughters married Mr. William H. Ross, of Mobile; another married Oliver H. Prince, Esq., a lawyer, and son of Edmund Prince, of Tuscaloosa. He himself is passing into the "sear and yellow leaf" of life, and his name is the synonym of an upright gentleman.

It has generally been the good fortune of most commonwealths to have, at some period, one citizen distinguished from all the rest by qualifications for a particular service, in some political or financial pressure, whose ability and virtues exactly meet the demand. Such has been the relation sustained by the Hon. Francis S. Lyon to the people of Alabama, in relieving them from embarrassments which threatened to weigh them down by onerous taxation, or to do what was still more painful—suffer the public faith and the good name of Alabama to be dishonored by a protest. The man was found for the occasion, from 1846 to 1853, in whose praise there is perfect unanimity in the State. No picture is more complete in moral grandeur and beauty.

JOHN WHITING, who had long held the office of Cashier of the Branch Bank at Montgomery, and was Assistant Commissioner under Mr. Lyon, and one of his faithful, confidential advisers in his operations, succeeded that gentleman as Commissioner; and it may be said, that if the field of his supervision was not so extensive, yet in sagacity, and in fidelity to the interests of the State, he "followed in the footsteps of his illustrious predecessor."

Mr. Whiting possessed business qualifications of a high order, and these, coupled with indomitable energy, brought him a large return in wealth and influence. He was a Virginian, well bred, intelligent, high-toned, and honorable, with no disguise or deceit in his composition.

After the war, he was elected President of the North & South Railroad Company, and had infused new life into that almost exhausted work. His election as President secured a large subscription to the road by the city of Montgomery, the citizens of which had unbounded confidence in Mr. Whiting. In 1869, he visited New York on the business of the road, and died of an attack of erysipelas. In his death, the State and the city of Montgomery lost one of its most intelligent and useful citizens. He was a prominent member of the Presbyterian Church, and ready coöperator in all philanthropic and charitable efforts.

LYMAN GIBBONS, during the recess of the General Assembly, was appointed by Gov. Collier Judge of the Supreme Court, in the place of Judge Dargan, resigned. He came to the State in

1833, when a young man, and entered upon the practice of the law in Mobile, as a member of the law firm of Gibbons & Fisher. He was well educated, and well versed in the elements of his profession. His attention to business and his sound judgment secured him a fine rank at the bar.

On the resignation of Judge Bragg in 1851, he was appointed, and then elected, Judge of the Sixth Circuit. In 1853, he declined an election as Judge of the Supreme Court, being satisfied with the Executive appointment. Soon thereafter, he married Emma, the accomplished and only daughter of the late Hon. James Dellett, and became a planter in Monroe county.

Judge Gibbons was elected a member of the Convention of January, 1861, and was prominent in the debates, especially on the subject of taxation.

In May, 1845, he went to Europe, studied the civil law in France, and returned to this country in the Autumn of 1847.

JOSEPH P. SAFFOLD was appointed by Gov. Collier, Chancellor of the Southern Division, in place of Chancellor Lessene, resigned. He was permitted to wear the honors of his office but a short time, as he died in the Fall of 1853, of yellow fever, then prevailing at Montgomery.

It was not extravagant in his friends to predict for him a long and honorable career in the judicial department. He was a son of Judge Reuben Saffold, and had established himself fully in the confidence and esteem of the community in which he lived, and was just entering upon a theater of action promising much public usefulness. In stating his appointment, in his annual message, Gov. Collier said: "It is with profound regret that I announce the death of Chancellor Saffold. He was a man of great purity of character, and admirably adapted, by his attainments and the structure of his mind, to the station to which he had been called."

WADE KEYES, elected Chancellor at the session of 1853, is a North-Alabamian. He resided in Florida several years, and came thence to Montgomery, where he engaged in the practice of the law. About the year 1850 he published a legal work of which he was the author, on the Tenure of Personal Property, or a title of similar import, which evinced considerable research.

He discharged the duties of Chancellor with industry and faithfulness, to the satisfaction of the public, but resigned, if I mistake not, a considerable time before the expiration of his term. Upon the organization of the Confederate Government, he was appointed Assistant Attorney-General, an office that he held during the existence of that Government. Chancellor Keyes now resides in Florence, pursuing his profession. He is a brother of Dr. John

W. Keyes, of Montgomery, who married a daughter of Mrs. Caroline Lee Hentz.

Here I take occasion to observe the frequent resignations of the office of Chancellor by gentlemen of the bar, who laudably aspire to the station, and in a year or two, occasionally in a few months, give it up. The reason must be the absence of jury, witnesses, and a miscellaneous audience, to interest the attention of the presiding functionary. Further reasons might be assigned, if necessary.

STERLING G. CATO, an unsuccessful candidate for the Chancellorship, was a Georgian, who settled in Eufaula in the practice of the law, some years previously, in connection with his brother, Lewis L. Cato, Esq. He was afterward appointed to a United States Judgeship, in Kansas, where he resided for several years, and died, if I mistake not, during the war. He was a gentleman of fair legal attainments, and had a good standing in the profession.

SEPTIMUS D. CABANISS, defeated by Judge Walker, was a lawyer of Huntsville, where he settled, a young man, to pursue his profession. He held, for several years, the place of Register in Chancery, and established a good character for efficiency as a business man and attorney. In 1861, he was elected to the House from Madison county, and shared prominently in the deliberations and decisions of that momentous period. He still resides at Huntsville.

JOHN H. CALDWELL, defeated for Secretary of State, was a young lawyer, possessing intelligence, industry, and a laudable ambition. In 1857, he was returned a member of the House from Calhoun county, and in its organization and proceedings took an active part, being Chairman of the Committee on Internal Improvement.

In 1859 he was elected Solicitor. The war coming on in 1861, he entered service, and was, I think, promoted to the rank of Colonel, and was distinguished for gallantry and good conduct. In 1863, while he was at the front, his election came on for Solicitor, and the regiment to which he was attached, from Captains, Lieutenants, and privates, joined in a hearty attestation of his merit in the camp and field, and requested his reelection. Of course, their wishes were respected. In 1865, on the reorganization of the State, he was again elected Solicitor, and continued in the office until he was superseded by the reconstruction policy of Congress. He resides at Jacksonville, in the practice of his profession.

GEN. ROBERT W. HIGGINS, another defeated aspirant for Secretary of State, was also a lawyer. He started in Jackson county, and I think was a beneficiary of the United States Military Academy at West-Point, but I am not certain about graduating. He had lived in DeKalb county a few years, and in 1854 or '55, went to Talladega, and became connected with the editorial department of the "Watchtower."

In 1857, he was a member of the House from DeKalb, and in 1859 was elected to the Senate from that and Marshall counties. On the commencement of hostilities between the North and South in 1861, he entered the service, and went up to the rank of Major; but before he had reached the middle of the war, or had satisfied his patriotic desires to serve the cause which he had espoused, he sickened and died, leaving to his native State the character of a brave and gallant man. Previous to the war he was elected a Brigadier-General. He died young, and unmarried.

ALFRED E. VANHOOSE, elected Solicitor of the Seventh Circuit, was a young man raised in Fayette county, and had lately come to the bar. His conversational powers were good, and he possessed a mind capable of improvement—and, with popular manners, and a fair ambition, he was regarded as having a fine career of usefulness in prospect.

He was very efficient as a prosecuting officer for the State, and made such a character in four years, that, in 1857, he was reelected without difficulty. In 1860, while returning from the Court in Walker, he was thrown from his buggy, and found dead. Like many of our young men of good endowments, he yielded to a certain influence resulting from convivial companionship, which, it is to be feared, in this case, eclipsed the light of a rising star of intellect and genius.

ELLIOTT P. JONES is a native of Lawrence county, Alabama, and was born in 1819. At the session of the Legislature in 1847, he was elected Judge of the County Court of Fayette.

His first service in the Senate was, in 1850, to fill a vacancy caused by the resignation of D. Coggin, Esq. He was reelected in 1853, 1855, and 1857. In 1861, he was a member of the Convention which passed the Ordinance of Secession, and, in 1865, he was a member of the Constitutional Convention to reorganize the State. He was also elected in 1865 to the Senate from the District composed of Fayette and Marion counties, and served through the sessions of 1865-'6, and 1866-'7.

Judge Jones was honored by the Legislature of 1866 with having his name given to a new county then established; but on the coming in of other political influences, the name of the county

was changed to Sanford. He was a Democrat, and a useful, industrious member of the Senate, bringing to the discharge of his duties a large experience in public affairs, and an honest purpose. In the two last sessions that I served with him, he was often called to the Chair, and displayed intelligence and promptness in the administration of parliamentary law, giving entire satisfaction to the Senate. He still resides in Fayette, among a people who have long honored him with their confidence, and whose interests he has faithfully served.

WILLIAM F. PERRY, elected Superintendent of Public Instruction, was a teacher of high grade, and brought to the arduous task of launching the new school system, abilities that were considered equal to the labor. He was reelected in 1857, and continued to discharge the duties of his station for some time, with general satisfaction to the Legislature and people.

In 1862, he entered the Confederate army, and was advanced to the rank of Brigadier-General, which position he held at the surrender, in 1865. He now resides in Kentucky.

Gen. Perry married Miss Brown, a daughter of George P. Brown, Esq., a lawyer from Kentucky, who settled at an early day in Talladega, and was justly regarded as one of the most talented men in the State. Mr. Brown died in 1839, universally respected in his life, and regretted in his death. His wife was one of the accomplished daughters of the Hon. Thomas Chilton, a gentleman greatly distinguished in his day as a lawyer, as a member of Congress, and as a minister of the Gospel.

ANDREW A. LIPSCOMB, LL. D. was born and educated in Virginia. He came to Alabama in early manhood, with rare faculties for public usefulness. For profound and varied learning, he, perhaps, has no superior in the country. His pulpit ministrations, his labors as a teacher in schools, seminaries, and colleges, his accomplishments as a writer, the grandeur of his thoughts, and the earnestness of his soul for the welfare of men, for their moral and spiritual illumination, breathed in words of music, place him in the front rank of scholars and divines in this or any other age. To such a character, it is scarcely possible to do justice by any effort at description, however strong the desire. No connected narrative of his life or employments will be attempted. Mere fragments must suffice.

A Southern gentleman informed me that while he was on a visit to the city of New York, in 1857, he called at the large publishing house of Messrs. Harper & Brothers, and was politely shown through by Mr. Fletcher Harper, one of the partners. On seeing the presses at work, throwing off the monthly edition of

175,000 copies of the "Magazine," the visitor remarked to his gentlemanly guide, that he was surprised to find any one man competent to write the articles which appeared in the magazine under the head of "Editor's Table," containing such a variety of learning and research in literature, in science, and philosophy, all marked with intellect of the highest order. Mr. Harper replied that no one man wrote these articles; that the publishers had engaged the very ablest men in different parts of the country to contribute in this department, such as Dr. Lipscomb, of Alabama, and men of that superior class.

About the year 1859, Dr. Lipscomb was formally invited by the Trustees of the University of Georgia to accept the new office of Chancellor of that institution. Since that time, he has resided at Athens, performing the duties of that honorable and useful position, much to the prosperity and influence of a seat of learning over which eminent scholars have presided:

1. Josiah Meigs, Professor of Natural Philosophy and Astronomy in Yale College. He was President of Franklin College, or University of Georgia, from 1801 to 1811, when he resigned.

2. Dr. Brown, Professor of Moral Philosophy, Columbia College, South Carolina, succeeded, and resigned in 1816.

3. Dr. Finley, of New Jersey, was then elected President, who died in 1819.

4. In 1819, Dr. Moses Waddel, of South Carolina, took charge of the University, and resigned in 1829. He was brother-in-law of the Hon. John C. Calhoun.

5. Dr. Alonzo Church, of Brattleborough, Vermont, was the next President, who died in 1859.

In November, 1860, by special invitation of a committee of the Georgia Legislature, Dr. Lipscomb delivered a discourse before that body in the Representative Hall, which was listened to with almost breathless attention from first to last, occupying nearly two hours. The audience was not limited to members of the General Assembly, nor to official persons, but included a large concourse of citizens and visitors. It was afterward published by order of the Legislature, and will ever rank as one of the grandest productions of the human mind.

The health of Dr. Lipscomb having been impaired by his official labors, he visited Europe in the Summer of 1868, from which he wrote many interesting letters for publication, giving an account of the institutions of learning he had visited, the ancient establishments, libraries, and works of note he had seen, together with descriptions of his journeys from important points, and other matters which, dressed up in his fascinating style, were truly interesting. Most of these "Letters" were addressed to the Senior

Class of the University, and if collected, would form a very instructive volume.

For the last thirty years, Dr. Lipscomb has been a contributor to the literary and religious reviews, and other periodicals of the country: and in all this time, and upon the great variety of subjects which he has examined as a scholar and philosopher, not one of his articles has been written carelessly. He never suffers anything to go from his pen that is attenuated from neglect. No doubt he composes rapidly, yet he is always master of style and taste equal to the finest belles-lettres standard. In this respect, he is probably in advance of any writer of the day.

Such has been the reputation of Dr. Lipscomb as an orator, and as a mature scholar, that he has been called upon with great frequency to address literary societies at college commencements, and other similar audiences, even in different States. In Alabama and Georgia, especially, these compliments have been quite profuse. In 1845, he was selected by the Erosophic and Philomathic Societies of the University of Alabama, and on the 19th of December, 1845, he delivered an address on the "Morbid Exhibitions of the Mind," which was published in a pamphlet of 34 pages. A committee, consisting of M. B. Wellborn, A. L. Haralson, and O. C. Hall, on the part of the Erosophic, and of F. R. Ware, J. C. Billingslea, and T. J. Molton, on the part of the Philomathic Society, applied to Dr. Lipscomb for a copy of the address, which was furnished, with the remark, "I feel reluctant to have it published, prepared, as it was, in great haste, and amid numerous interruptions; but believing that you are entitled to the disposition of it, I waive all personal considerations, and accede to your wishes."

The pulpit discourses, literary addresses, and various contributions to the press, by Dr. Lipscomb, if collected, would form several volumes in print.

## CHAPTER XXXIII.

*Session of 1853 Concluded—Senators and Representatives Sketched.*

At the session of 1853, several new Senators took their seats. Some of these, and others who have not been included in these "Reminiscences," are here briefly introduced.

WILLIAM A. ASHLEY, of Conecuh, was the youngest man in the Senate, although he had served through the sessions of 1849 and 1851. What he lacked in experience, he made up in ability. He took an efficient part in legislation, and was a good debater. The confidence and expectations of his constituents were fully justified by his public course. After serving his term of four years in the Senate, he retired, to engage more earnestly in his large planting pursuits. Like his father, he was a Whig in politics, and, like him, had represented the people of Conecuh in the other end of the Capitol. They were both men of influence.

In 1865, I met Mr. Ashley in the Senate, to which he had been elected from Conecuh, Covington, and Coffee, and we served together two years, were upon the same committee, and, in fact, "messed together at the same hotel. I thus had an opportunity of knowing his many fine qualities, which I duly appreciated. His capacity as a legislator had been increased by experience, though it had always been respectable. In his friendships, he was faithful and sincere.

While, in 1860, he voted for Bell, the Union candidate for President, and was opposed to secession in 1861, Mr. Ashley did not falter a moment in sustaining the Southern cause throughout the hard struggle. His wealth and his personal services were devoted to the public defense. When the Reconstruction policy of Congress came, like manacles, upon the "rebel States," he denounced it in no measured terms.

Mr. Ashley was educated at the Knoxville University, East-Tennessee. While completing his term in the Senate, his health began to fail, and in 1869, he died—not only a loss to his family and friends, but to the State at large. He had not attained the meridian of life, before he was called from the scene of his usefulness.

SAMUEL R. BLAKE, of Dallas, was a North Carolinian, and was raised in the vicinity of Wilmington. His father afterward removed to Macon, Georgia, where he married a second time, and

became a party in a very extensive litigation, which can be seen in the Georgia Reports—Beall *vs.* Blake. His son accompanied him to Macon, where he opened a law office, and for several years practiced in Bibb and the adjoining counties, with a splendor of eloquence on some occasions which astonished while it delighted his listeners. At this period, he seems to have cultivated the style of which the great Irish orator, Phillips, is the model. With experience, he no doubt corrected this excess of imagination, and became more solid in his forensic displays.

From Georgia he removed to Alabama, where, by some turn of fortune, he became a planter of considerable means. His youthful aspirations had cooled down into a thoughtful, even reserved, mood, so much so that it was with difficulty that he could be prevailed on to take part in the political contests of the day. When aroused, however, he showed game in spirit, and vigor in action. In 1853, he was elected to the Senate, and had the unusual honor of being appointed Chairman of the Judiciary Committee at the first and only session in which he served. His reports sustained his character for ability and industry, while in debate he had to grapple with such men as Thomas H. Watts, James D. Webb, B. H. Baker, and Charles McLemore, the foremost minds of the Senate; and in the Legislative strife, he was always equal to the emergency, which is no small praise.

Mr. Blake had a very engaging personal address, and was a refined, elegant gentleman in social life, and in the public service. He was much respected by those who knew him. In 1860, he removed to Texas.

GEN. JACOB TIPTON BRADFORD, of Talladega, elected in 1853, served through his term of four years in the Senate with diligence and activity as a legislator. He had great experience in public affairs, was master of all political questions, and could give such information relative to men and events as to make his society profitable to a seeker of that kind of knowledge.

He was a Tennessean by birth. His family, the Tiptons and Bradfords, held a leading position in the State. The annals of Tennessee show much of the history, the actings and public employments represented by his name. Born in the vicinity of Morristown, he was raised and grew up to manhood there and in the vicinity of McMinnville. In youth, he was generally known by the short name of Tip. Like many of the sons of his native State, who are found in Indiana, Missouri, Mississippi, and Alabama, whose energy of character has a fair prospect of reward, he tried his fortunes elsewhere, after closing a mercantile business at Winchester.

About the year 1830, he married Miss Taul, an accomplished

and intelligent lady, daughter of Col. Micah Taul, formerly a member of Congress from Kentucky. Not long afterward, he was appointed by President Jackson, Register of the Land Office, then at Montevallo, but subsequently removed to Mardisville, for the Tallapoosa Land District; a situation which he held for many years; and although a Whig in politics, such was his efficiency as a public officer, and the strength of his personal character, and that of his family name, that he was retained amid the party rancor of that day. Indeed, he was invulnerable, and I never heard of any movement to displace him.

In 1836, he was elected Major-General of the Eighth Division of Alabama militia, and he forthwith procured suitable equipments. At a military review in 1838 I had the pleasure of seeing him in full uniform, every inch a chief, mounted on a noble charger, and surrounded by a brilliant staff, the only full display of that rank I had ever seen. The sight was rare then; for few Major-Generals went to the expense of equipping themselves, or the trouble to attend reviews. But Gen. Bradford did, and so did Brigadier-General McClellan, and they were together, each with his staff; and to complete the array there was also present the Adjutant and Inspector, Gen. James G. Carroll. As I then pondered in my mind, I mentally exclaimed, What a collection of fine-looking men, well mounted, on richly comparisoned steeds, with chapeaus, swords, gold lace, and epaulets and sashes, with whatever else was necessary for officers of this rank!

By an act of the General Assembly, passed in 1836, Generals Bradford and Crabb were appointed to digest and prepare a Military Code, which they submitted in the Fall of 1837, and it was adopted, and known for years as Bradford's and Crabb's Digest.

General Bradford continued to cooperate with the Whig party until 1851, when the questions of absorbing interest to the South brought him into alliance with the Democratic party. His personal relations and influences all the while were the same, and always respectable, giving him in all assemblages, Whig or Democratic, a commanding position in society.

In 1860, he was a delegate to the National Convention at Charleston, participating warmly with the leading minds of that exciting period, in measures to save the country, if possible, from the dangers which menaced it. After secession, in 1861, when the State assumed the proprietorship of the public domain within her limits, he was elected Commissioner of the General Land-Office, a place which he held through the war. His health had been long in a decline, and losing his excellent wife, he died a short time after the war ended.

For upwards of thirty years Gen. Bradford was prominently connected with the politics and the public men of Alabama, with

with a very extensive acquaintance. In conversation he was guarded, yet fluent and entertaining. While in the Senate, he took part in the debates, and was a good public speaker. Clear-headed, cool, always self-possessed, courageous, without bluster, he was respectful in his intercourse with men, and always maintained the bearing of a gentleman. One son represents him, the Hon. Taul Bradford, of Talladega, a prominent lawyer, and member of the Legislature.

JAMES S. DICKINSON was, in 1853, the Senator from the Clarke District—his only term. His abilities as a lawyer, and his business capacity, were recognized by his appointment as Chairman of the Committee on Finance and Taxation. This gave him rank and influence on the floor. The duties of the place were competently performed. His address was pleasant.

In 1863, he was elected from the Mobile District to a seat in the Confederate Congress, of which body he was a member until its dissolution in April, 1865, when Gen. Lee's line of defense was broken, and the Federal army marched on Richmond. Since the war he has been engaged in the practice of the law in Clarke county. He has been always regarded with much public favor—being an agreeable companion, and honorable in all the relations of life. In politics he is a Democrat.

GEN. JOSEPH P. FRAZIER, of Jackson, was in the Senate when I became connected with the Legislature as Assistant Clerk of the House, in 1837, and served a term of three years. He was an officer in the Indian war, in Florida, 1836, where he made a reputation, and immediately upon his return he was elected a Major-General of militia. He was elected to the House in 1843, and has served in one branch or the other of the General Assembly almost every session to the close of 1853, which terminated his connection with the Senate. His name has frequently been on the Electoral ticket for President and Vice-President of the United States, and, of course, he was never defeated as such.

In January, 1852, he was President of the Democratic State Convention, and by his political strength and influence greatly aided in reorganizing the divided party. At the commencement of the session, in 1853, he was the nominee of the Democratic party for President of the Senate, but was defeated by Col. W. B. Martin. This was, no doubt, a disappointment to Gen. Frazier, as it was to his party friends, who thought his long term of service, added to the claims of the county of Jackson he had so long faithfully represented, entitled him to the compliment, as he was amply qualified for the place.

Gen. Frazier possessed a very respectable order of intelligence,

with much solidity of character, and fine practical business qualities as a legislator. In all deliberations with which he was connected, he took a leading part, and was certainly entitled to the appellation of a faithful public servant, honest and honorable in all the relations of life. He was commanding in his personal appearance, and of dignified address, which would cause him to be noticed in any collection of men. His early habits of life, and strict devotion to business, made him somewhat unsocial, and he was not much inclined to mingle in society. He died several years ago.

DR. ALLEN KIMBALL, of Tallapoosa, by birth and education a Georgian, was elected to the Senate in 1853. He had served in the House through the sessions of 1844 and 1845. In the medical profession, he was reported to be skillful. He certainly displayed fair abilities in the Legislature, both on committees and in debate. But the leading quality for which he was particularly distinguished was his good humor and pleasant jokes, to which there seemed to be no limit. He had a good word and a merry thought on every occasion when such a disposition could be properly indulged.

Dr. Kimball was a Whig, devoted to his party and his principles—well skilled in management, and had great influence in the councils and movements of his party. His conversational powers were very attractive, and he was the life of every circle in which he moved.

In 1860, he voted for Mr. Bell for President, and in the January Convention of 1861, he voted against the Ordinance of Secession; but after the State had planted herself upon her sovereignty, he gave all the aid in his power for her safety and defense. As the result of the war, Dr. Kimball experienced his share of reverses, and died in the early part of 1871.

JAMES D. WEBB, of Greene, educated at the University of Alabama, was a son of Judge William Y. Webb, and was distinguished for his intellectual faculties when a mere youth. He served in the House as early as 1843, and at other periods, as a faithful Representative. He was a lawyer, and his professional character, promising and respectable from the start, was always advancing with his experience.

In politics, he was a Whig, and was ready at all times to meet an opponent in discussion. While assailing the policy of the Democratic party, and denouncing their measures, he was at times so animated, and so carried away by his indignation, applying such terms of rebuke, that a hearer would conclude all personal courtesies were at an end after the debate. But such was not the fact.

He would instantly resume his kind and friendly manner with gentlemen of the Democratic party, as if no sparring had taken place. His talents and his moral elevation always sustained him, and commanded respect.

In person, he was below the medium size, but well formed, and very graceful in all his movements, with an elasticity of address which gained universal favor. His conversational powers were very engaging. Courteous and pleasant in social intercourse, and not less so with his fellow-members of the Legislature, he was bold and fearless in presenting his views on any question where his sense of duty led.

Col. Webb was a delegate in the Convention of January, 1861, and took an active part in its proceedings. He supported the Ordinance of Secession, and when war ensued, he entered the service of the Confederate States, devoting himself faithfully to the cause. He had attained the rank of Colonel, when, in one of the battles, probably in Tennessee, he was killed while gallantly leading his command. I have endeavored to obtain his war record for insertion here, in justice to the memory of one of Alabama's noblest sons, but have failed.

Judge William P. Webb, of Eutaw, is a brother of Col. Webb, and his excellent qualities as a lawyer and citizen are in harmony with the character of his lamented kinsman.

#### MEMBERS OF THE HOUSE.

The popular branch of the General Assembly contained a large amount of talent and experience, and many gentlemen who served through the session of 1853 have been previously noticed in this work—among whom were Major Hubbard, L. P. and Percy Walker, John Cochran, James E. Belser, Thomas J. Judge, D. C. Humphreys, R. T. Scott, and others. There were many young members of promise, some of whom will be noticed in this chapter.

CHARLES A. ABERCOMBIE, of Macon, was connected with the large and influential family of his name. He was favored with an attractive person, had fine social qualities, was good-humored and companionable, though firm and positive in his convictions and conduct, but indulgent in his friendships.

He had been Sheriff of Macon county, and afterward, for three or four years, kept the Madison House, in Montgomery, which gave him an extensive acquaintance, decidedly favorable by the manner in which he dispensed the courtesies of his house. Returning to his county, he was, in 1853, elected to the House as a Whig, and served through the session, maintaining pleasant relations with his fellow-members. He was no speaker, and did not

occupy the floor in that capacity, but was otherwise not less efficient and useful. A few years thereafter, he removed to Texas, where he still resides.

ISAAC BELL, JR., of Mobile, was returned to the House in 1853, and served through the session—his only one. He was a Northern man, and settled in the city of Mobile about the year 1840, and engaged in commercial pursuits, in which he was eminently successful.

Fully in alliance with the Democratic party, he had for years taken an active part in the political movements of the day, and in 1853, was placed on the ticket of his party, and elected. He had been well educated, especially in the commercial and banking departments. His general reading was good, and he brought to the discharge of his legislative duties business capacity and intelligence which, with high social qualities, made his service profitable and pleasant. As a member of the Committee of Ways and Means (to which place he was assigned as the particular representative of the interest of Mobile in the matter of taxation), he rendered valuable aid, and exercised, in the deliberations of that Committee, a marked influence.

As Chairman of the Joint Committee upon the financial situation exhibited in Mr. Lyon's report, he made a report to the House well digested, showing the progress for several years in reducing the public debt, which was much commended for its clearness, and full comprehension of the subject-matter. Mr. Bell was popular in the Legislature, and was selected, by the friends of the measure, to introduce a bill making a loan of \$400,000 to the Mobile & Ohio Railroad Company, then much straitened; and the result proved the wisdom of the choice. He was much enlisted in the passage of the bill, and when it was taken up for consideration, I shall never forget the flush of excitement under which he rose, and addressing the Chair, said—"That, Mr. Speaker, is my bill." Without much pretension to delivery, he addressed the House more in a colloquial style than with the formality of a set speech, and with such blandness of manner and earnest sincerity, that when he concluded, the bill, after being amended in some respects, and altogether agreeable to him, passed by a large majority.

I notice this circumstance in justice to Mr. Bell, who has long since ceased his connection with the State as a citizen. After the grant of this loan, many others were proposed by the friends of different roads, but they failed. It was his gratifying privilege to return to his constituents, as the only successful applicant for such an accommodation. And yet it was a dangerous precedent, and one that would have involved the State in serious embarrassment,

but for the firm opposition of the Executive—Governor Winston. Mr. Bell has for years resided in New York, engaged in commercial and financial pursuits.

AUGUSTUS BENNERS, of Greene, is a native of North Carolina, where he was educated, and grew to manhood, graduating in the University at Chapel Hill, in the class of 1837. Removing to Alabama when young, he settled in Greensboro as a lawyer previous to 1840. By close application to study, by manly perseverance, and by great probity of character, he secured a high rank at the bar and in the community.

In 1853, he took his seat in the House for the first time. He was placed on the Judiciary Committee, and rendered efficient aid by his industry and counsels. In the debates on the floor, he exhibited much knowledge of government, and a mastery of legal questions, which placed him on the list of rising men. Withal, his social qualities were agreeable and lively, which made him a general favorite.

In 1861 and 1863, he returned to the House, where I again met him in legislative council, and in the meantime had the pleasure of his conversation and society, which I esteemed as an enjoyment. We conversed frequently together on the ways and means by which the State could be kept up. He was Chairman of the Committee on the Military in 1863–4, and labored with his accustomed energy and ability to accomplish the best ends with the means at command. He knows the hard work he accomplished, and has the satisfaction to reflect, that in this trying period his efforts were untiring.

Mr. Benners was a Whig under the old classification, open and firm in his principles. He still resides in Greensboro, now Hale county, where he is justly esteemed for his legal attainments and personal qualities.

NEWBERN HOBBS BROWN, of Tuskaloosa, was raised in the county, and completed his education at the University, near his father's residence. He studied law, and was admitted to the practice. In 1853, he was elected to the House for the first time, and was reelected in 1855, 1857, and 1859, which embraces a period of eight years of public service, without abatement in the confidence of his constituents. Considering the times, and the many new questions presented, this was no slight compliment to his intelligence and force of character.

At his first session, being young and diffident, he remained quiet on the floor until toward the close, when some measure immediately affecting the interests of his county was taken up, especially the appropriation to complete the Hospital for the In-

sane. In support of this bill, he made a good speech, which had a favorable impression upon the House, and gave him a respectable standing in debate. I remember how embarrassed he was upon rising to address the House, and how he was oppressed by a sense of the importance of the occasion, and the subject; but he stood, as a Representative, almost in the attitude of entire responsibility, and proved himself equal to the task. Dr. Creagh came to his aid, and the bill passed, but encountered Gov. Winston's veto, and was lost for that session. If I mistake not, Mr. Brown still resides in Tuscaloosa county.

THOMAS J. BURNETT, of Butler, came to the House as a member in 1853. He had been several years a merchant, with fine intelligence and business capacity, which made him at once a useful member. His legislative duties were faithfully performed. In 1857, he was returned to the Senate, and again to the House in 1861.

In 1856, he was a delegate to the National Democratic Convention at Cincinnati, which nominated Mr. Buchanan for the Presidency; and in 1860, he was a delegate to the Charleston Convention. In Major Burnett's connection with public life, he developed, as he advanced, abilities of a very respectable class, and became an earnest and animated speaker. I heard him at the Charleston Convention, where it required a good deal of nerve to speak before such an assemblage, and was impressed with his self-possession, and the ease and fluency with which he expressed himself. He entered the Confederate service and was promoted to the rank of Major, and, so far as I have been informed, rendered gallant aid to a cause which he had espoused with a warmth and zeal of a sanguine temperament. He resides in Greenville.

WALTER COOK, of Lowndes, a young lawyer, took a seat for the first time in the House in 1853. He was liberally educated, had a fine person, was ardent in his feelings, and especially sensitive for the honor and rights of his native South. He was a good representative of Southern character in its first stages of development. He had seen much of the world, and knew its crooked ways, and especially the traps and pitfalls set for inexperienced youth.

When a bill was before the House to punish and suppress gaming, Mr. Cook frankly gave his *experience* to the House while on his travels among strangers. He described the tricks of the *shark* to attract young men to the den of the *tiger*—what ingenious plans and devices were used to make him a victim. It was successful to a certain extent, but not enough to do him serious injury. The lesson it taught had been of great advantage to him, and he earn-

estly appealed to the House to *harpoon* the shark, and *muzzle* the tiger, so as to prevent the mischief they were inflicting upon society. The gaming table, he maintained, was a great evil in the land, and ought to be suppressed.

The speech and *experience* of Mr. Cook had a salutary effect on the members of the House, and contributed to give a proper direction to the bill. His age placed him in the circle of young men, yet his thoughts were mature, and as a member of the Committee on Education, he assisted in getting up the bill establishing a system of public schools, and became identified with that important measure.

After the session closed, he engaged in planting; but the war aroused his Southern blood, and he entered the service as Captain, and displayed, by his constancy and zeal, the character of a patriot and brave man. In one of the battles of Virginia, he was mortally wounded, and died a martyr to the cause which his convictions of duty led him to espouse heartily. In his death, the State lost a noble and true son.

DR. MEMORABLE W. CREAGH, of Marengo, was first elected to the House in 1849, and was again returned in 1853. His father, Mr. Thomas B. Creagh, was one of the early settlers upon the rich lands of Wilcox, and died an opulent planter, leaving several sons:

1. Col. Gerard W. Creagh, long time a Senator, and heretofore noticed in this work.
2. Judge John G. Creagh, of Clarke—for many years Judge of the County Court, and a member of the Legislature, a lawyer of very respectable legal position, and planter of solid substance—who died many years ago, leaving an intelligent and accomplished widow, who became the wife of A. B. Cooper, Esq.
3. Alexander Creagh, an intelligent planter, and a gentleman of fine culture and standing, who has been dead several years.
4. Dr. M. W. Creagh, now specially noticed.

This family, father and sons, had as much wealth and character as any in South-Alabama, and, as the record shows, a warm and devoted public spirit.

Dr. Creagh has been well educated, and carries, in his address the evidence that he has been raised in polished society. Always accustomed to wealth and refinement, it is natural that he should be a high-toned Southern gentleman, of which class he is a true representative. While ardent in his attachments, and indulgent in his feelings, his soul takes fire when the rights and the honor of the South are drawn in question, or put to hazard. These he is at all times ready to support and defend at any peril. Under the old classification of parties, Dr. Creagh was a Whig.

I have long and closely observed the course of public men; but in my whole acquaintance I have never known one more sincerely devoted to the interests, honor, and prosperity of the State than Dr. Creagh. He was a good speaker, and had considerable influence on the floor of the House. In the debate on the appropriation to complete the Hospital for the Insane, he made a strong and beautiful effort. The question was wholly free from politics, and his soul overflowed with arguments in behalf of a class not capable of appealing for themselves. The fountains of humanity were opened, and his language was so forcible and eloquent that many gentlemen changed their purpose and voted for the bill. This, if I mistake not, was the last speech of any moment he made in the House, and, whether by design or not, it was not likely that he could have improved upon it. Dr. Creagh died in 1872.

ROBERT S. HATCHER, of Dallas, was a member of the House as far back as 1841, and was several times elected to one or the other end of the Capitol. He again appeared in the House in 1853. He was a planter of large means, a Whig, and a jovial, good-humored, kind-hearted man, who generally had a pleasant word or a good joke for his fellow-members, without regard to political associations. He seldom said anything in the way of a speech, but he was, nevertheless, attentive to his duties as a member and a committee-man, and mindful of the interests of his constituents, including those of the State. He was usually the center of a good-humored circle, and was regarded with much favor by his fellow-members.

NOTE.—It is painful to add that Mr. Hatcher was killed, and his body horribly mangled by a railroad train, near Selma, March 30, 1872.

GIBSON F. HILL, of Chambers, served only through the session of 1853, in the House. He was a lawyer, and had received a good education in Georgia, where he was raised, but he never engaged much in the practice of his profession.

He came to the Legislature with the project of a lottery, to raise money for the endowment of a Military and Scientific Academy, in Chambers county, where he proposed to teach and educate a certain number of indigent young men, and his efforts, quietly directed, succeeded in getting such a bill through both Houses, without that due reflection and examination which ought to have governed. The measure was fraught with mischief. The Agency was given to a sharp man, Mr. Samuel Swan, and every appliance brought to bear on the public mind to excite it to dealing in tickets, with a prospect of getting rich. Some drew prizes, of course, and this was heralded over the country, and others ven-

tured; and on it went in its influences and ravages, taking money out of the pockets of men of all classes, and appropriating it to individual uses, until the country, in many portions, was impoverished of money.

The Agent, in the meantime, from being an operative in a jeweler's store, rose to the position of a banker, and with the surplus of his abundant means planned and built (at a cost, it is said, of \$40,000) the fine residence in Montgomery, owned, in his lifetime, by Col. Seibels. How much fell to the lot of Col. Gibson F. Hill, in this transaction, I never heard; but he ought to have received a good sum to compensate for the "wear and tear" of such a proceeding, gotten up by him with the most plausible pretexts, to obtain money without a valid consideration, from an over-credulous people. This is the only measure with which he was identified during his service in the Legislature. Col. Hill was favored with an attractive person, and cultivated, insinuating manners, which secured him access to the better feelings of his fellow-members.

RICHARD F. INGE, of Greene, served only through the session of 1853. He was a young man, well educated, and a planter, with strong family alliances and the prestige of name which gave him at once a favorable reception. He held a very respectable rank with the young members of the House, was diligent and watchful, and always able to advocate or oppose on the floor any measure which he approved, or disapproved. He was particularly vigilant in relation to the Treasury, and of the many leakages by which the public money goes out. I think he was a son of Dr. Richard Inge.

In the late troubles, Major Inge entered the service of the Confederate States with a zeal and courage which might be expected from his raising, and the influence of his paternal example. The last time I saw and talked with him was in 1863, returning through Montgomery to his command in Virginia, after a short furlough. Soon afterward, in one of the battles in that State, he was killed while leading his command in action. Thus bravely fell another of the sons of Greene county, who sacrificed their lives to the Southern cause.

ANDREW JAY, of Conecuh, was returned to the House for the first time in 1853, and was reelected in 1855. He had fair abilities for legislation, was an attentive observer of proceedings, always at his post, and was much respected by his fellow-members. In a party sense, he was a Whig, and on all questions purely political, he adhered rigidly to his party principles; but in other respects he was liberal, and gave his support to such measures of State policy as he deemed most likely to promote the public wel-

fare. He still resides in Conecuh county, occupying a respectable place in the pulpit of the Baptist Church, and is much respected for his moral teachings.

ROBERT MURPHY, of DeKalb, concluded a long term of service in the Legislature at the session of 1853. He was first elected to the House in 1843, and from that time there were few meetings of the General Assembly that *Bob Murphy*, as he was familiarly called, was not there with credentials to take his seat. I think he was never beaten. He watched the political elements, and never ventured out in murky weather, but would make some plausible excuse for staying at home. He possessed a far-seeing sagacity and discretion, and seldom failed in carrying any one of his measures. His fund of wit and good-humor was inexhaustible, and he was seldom at a loss for a reply, which was generally pointed and pithy, as could be shown if I had room for some of the specimens.

Soon after his last session in Alabama, Mr. Murphy removed to Arkansas, where it was not long before he attracted the notice of the people, by whom he was elected to the State Senate, in which capacity he was serving when the Federal troops overrun that State during the war. He was arrested, and required to take the oath of allegiance to the United States, which refusing to do, as he had taken the oath to the Confederate Government, he was cast into prison, and there died. In this act, he exhibited the steadfastness of purpose which belonged to his character, and which marked his whole public life in Alabama.

Few men said more things, in his way, to be laughed at; and at this distance, whenever the events and men of that period are canvassed among friends, in social review, Bob Murphy, with his droll wit, and humor, and waggery, comes up in kind and tender remembrance.

SIDNEY B. PAYNE, of Macon, was a Captain in the Mexican war, from which he returned with a fine reputation for gallantry and good conduct, which won for him great esteem. In politics, he was a Whig.

He was elected to the House in 1853, and with bland and gentle manners, and with a fair capacity for legislation, he soon obtained the good opinion of all who came within the circle of his acquaintance. He was modest and retiring in his disposition, and without seeking public favor, he was largely a recipient on the merits of his character. He had the entire confidence and respect of his fellow-members. Honest and faithful in all situations, he was a gentleman to be trusted and to be loved. All his virtues were crowned by a deeply religious principle, and he exhibited everywhere the graces and attractions of a true Christian gentleman.

Captain Payne had no taste for public life, nor for the competitions and management by which it is usually attained. By birth and education, he was a Georgian, and also a member of the bar, and a planter. He still resides in Macon county.

GEORGE C. PHILLIPS, of Dallas, had served in the Legislature previous to 1853, when he was again elected to the House. His father, Dr. George C. Phillips, in former days, and his brother, William S. Phillips, more recently, had a long experience in the General Assembly, where their superior judgment and general strength of character commanded respect. They belonged to the Whig school of politicians.

Mr. Phillips, the member now under review, was a planter of considerable wealth, energetic and intelligent. He was not very communicative in his intercourse with his brother legislators, but was rather retired and taciturn, devoted to the dispatch of public business, and administering the government faithfully and economically. He was efficient on the Committee of Ways and Means, and upon the floor of the House, addressing himself to questions in a plain, matter-of-fact way, that was easily understood, and had its influence. In his sound judgment, in the integrity of his purposes and character, there was general confidence, and no little *prestige* in his name. He still resides in Dallas.

RICHARD O. PICKETT, of Lawrence, was the colleague of Maj. Hubbard in 1853. He was first a member of the House in 1849, and, before that time, was Judge of the County Court. In 1861, he was again returned to the House, and during that session, was elected Adjutant and Inspector-General of the State. The exigencies were considered important, and it was believed General Pickett, by his intelligence and energy, would be able to organize and enthuse the military spirit. But he did not continue a great while in the office. He, however, became connected actively with the defenses of the country, but I am not advised of their nature and extent.

Under the old organization of parties, General Pickett was a Whig; but in 1860, he adapted himself upon principle to the platform, with Gen. Breckinridge for President. He was regarded in the Legislature as possessing good legal abilities, and was assiduous in his attention to business. In 1861, the sphere of his operations was enlarged, and he took a prominent part in the proceedings of that year. He now resides in Florence, in the practice of the law.

DANIEL S. ROBINSON, of Chambers, was a substantial, intelligent planter, a native of Georgia, but settled in Alabama at the

opening of the Creek country, and, by industry and good management, had grown rich. He was a quiet man, attentive to business, and rendered the State good service. He was several times honored with the confidence of the people of his county, his first session in the Legislature being in 1845. That of 1853 was his last. His health was declining—so much so that he was unable to attend regularly upon the sittings of the House, or to meet the Committee of Ways and Means, of which he was a member. He continued to decline until the Summer of 1855, when he died. Mr. Robinson was a Whig, and was greatly respected as a citizen by all parties.

N. G. SHELLEY, of Talladega, concluded at this session a service of four years in the House. He was young, possessed an intelligent mind and sprightly intellect—a Whig, and in the frequent contests, became well versed in the questions of the day. His struggles with fortune, to overcome the difficulties of dependence, had exerted a good influence in developing his mental faculties and energies. He was a ready, fluent, off-hand speaker, at all times prepared for a tilt; but unfortunately, perhaps, he had grown up under political bias, that, to some extent, warped his judgment and cramped his usefulness.

Mr. Shelley was warmly enlisted in the cause of education, and took an active part as a member of the committee in getting up the system of free public schools that was adopted at the session of 1853. Soon after this service, he removed to Texas. He was a vigorous political writer, and, if I mistake not, connected for a time with the Whig press of Talladega.

ALPHONZO A. STERRETT, of Shelby, after a long retirement, was a member of the House in 1853. He had previously been a Representative, and was for many years Judge of the County Court. He brought much experience and practical information, with legal knowledge and fair ability, into the House, which constituted him quite an efficient legislator. He was industrious in the preparation of business, and very attentive to public duty, with a quietness and modesty that amounted almost to diffidence. The Speaker committed to him, as Chairman of a Joint Committee raised for the purpose, the task of reporting appropriate resolutions on the death of Col. William R. King. His self-distrust was such that he made application to be excused, upon the ground that he did not feel competent; but the Speaker declined granting a request which modesty alone prompted. He brought in his report and resolutions, which were adopted, with only one dissenting voice. These appear in a preceding chapter.

Had Judge Sterrett made no other report during the session,

this will stand as a memorial to show the estimation in which he held the character of Col. King, responsive to the public judgment. Such passages in the life of a public man it is pleasant to record. Judge Sterrett still resides in Shelby county, occupied in his profession.

GEN. E. G. TALBERT, of Perry, a South Carolinian and a Democrat, was elected to the House in 1853, the only session in which he consented to serve. He was a planter, and preferred the tranquillity of private life, and the cultivation of the soil.

He was Chairman of the Committee on the Military, the duties of which place he performed with marked vigilance and fidelity. The rectitude of his course, and his gentle manners, won the confidence and esteem of his fellow-members. He possessed a cultivated taste, and amiable feelings toward all mankind, under the influence of Christian sympathy, and the most enlarged benevolence. He was incapable of doing wrong to any one. In his strong and expressive face could be seen the upright character of the man, and true nobility of soul.

It was my privilege to be much in the society of Gen. Talbert during the session. We occupied adjoining rooms, and many pleasant hours have we passed together, after the toils and anxieties of the day had ceased. It is a satisfaction to revive in memory the friendship and confidence of former years. To know Gen. Talbert well, is only to love him with sincere affection. He is a worthy member of the Baptist Church, and still resides in Perry county.

MALCOLM D. GRAHAM, although not a member, deserves a place in conclusion, as the Clerk of the House at the session of 1853. He was raised and educated in Alabama, and settled in Wetumpka as a lawyer. His father, John G. Graham, Esq., was a gentleman of great respectability and moral worth.

Mr. Graham entered upon his duties as Clerk of the House without experience of that kind. But he was intelligent, and by close attention to business, and to the labors of his office, he soon overcame all inconveniences. His Journal will compare favorably with that of any other Clerk, in the clearness and perspicuity of its entries, and in the regular order of business as it is introduced and acted upon.

His Journal was always made up and his papers properly arranged, so that there was no delay when they were called for on the calender, or as special orders. His reading was prompt, agreeable, and distinct, while his whole bearing at the desk was respectable.

In 1854, or thereabout, Mr. Graham removed to Texas, and

engaged in the practice of his profession. He must have taken rank, as, at the time the State seceded, he was Attorney-General, elected by the people, which gave him a strong legal position. He was elected one of the members of the Confederate Congress at the first election, and was continued in that place by renewals at the ballot-box. While on his journey from Richmond to Texas, on important business, in the early part of 1865, and while attempting to cross the Mississippi River, he was taken by Federal troops, and carried to Johnson's Island, Lake Erie, where he was left a prisoner until the close of the war. A widower, he married a daughter of Col. T. B. Bethea, of Montgomery, where he now resides, engaged in the practice of the law.

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## CHAPTER XXXIV.

*Pestilence in 1854—Elections of 1855—Legislature—Gov. Winston's Vetoes—Judicial Elections and Sketches.*

The year 1854 will long be remembered by the people of Mobile and Montgomery, for the prevalence of the yellow fever, of a malignant type. Many citizens of both places died; some of them prominent in business and social position. In Montgomery, among those who fell a prey to the disease, was Judge NIMROD E. BENSON, who, though not connected with the State Government officially, deserves a notice in this work.

JUDGE BENSON came to Alabama a young man, about the period of the formation of the Territorial Government, and became a leading citizen, not only of Montgomery, but of the State. He was a South Carolinian, educated at Columbia College, and there prepared for the practice of the law. He soon acquired a high rank in his profession, and his judgment on legal subjects was much confided in. He was repeatedly elected to the Legislature, and was Judge of the County and Orphans' Court, and Mayor of the city, at different periods.

Many years before his death, he was appointed Receiver of Public Moneys at the Land Office at Montgomery; and, although interrupted in the occupancy by political changes in the Federal Government, he held the place at the time of his death, and had just returned from Mobile, whither he had gone to make his peri-

odical deposits of the public money, in September, 1854, when he sickened and died suddenly.

He was a Democrat of the old Jackson school, but so prudent and respectful, where differences of opinion existed, that his personal and fraternal relations were strong and harmonious. At the time of his death, he was the oldest Mason in Alabama, and had filled the office of Grand Master of the Grand Lodge in the infancy of the Order in the State, besides occupying honorable positions in the Grand Chapter.

In estimating Judge Benson, it would be enough to say that he was the legal patron of Gov. Fitzpatrick, Judge Henry Goldthwaite, Gov. George W. Towns, of Georgia, and Senator George Goldthwaite, all of whom, if I have been correctly informed, studied law under his direction, and took from him their first lessons in legal knowledge. The public career of each reflects honor upon their preceptor, and connected Judge Benson with some of Alabama's leading men.

For many years, indeed from the time I first knew him, he had abandoned the bar and had engaged in other pursuits more suited to his taste as he advanced in age. Gov. Fitzpatrick very properly nominated him as one of the Directors to take charge of the assets on the liquidation of the Branch Bank at Montgomery; and in all the public trusts which he held, I never heard a whisper of distrust of his ability and integrity. Upon the occasion of building the new Capitol at Montgomery, after the removal of the Seat of Government had been determined, he was elected Mayor, with an eye to his energy and good judgment in over-looking the work, and he came fully up to the trust.

Judge Benson was not, nor did he try to be, a showy man. His attainments were solid, and his character was based upon the principle of right and justice in his transactions with his fellow-men, and in the discharge of public trusts; and in the practical exhibition of these, he was equal to any gentleman I have known in the State. He possessed moral courage and frankness, and in his intercourse with society he practiced no disguise, and never hesitated, when he thought it was right, to tell his friend of a fault, or to warn him of approaching danger. Alabama has had few such citizens, in all the attributes of an upright man, and a true Mason, as Nimrod E. Benson. He represented a class of men who have pretty much passed away, leaving the savor of a good name and example for the men of this day.

#### ELECTION FOR GOVERNOR.

A new organization presented itself in 1855, and entered into the elections, from Governor down to the lowest office within the

gift of the people. In the contest for the Executive, Gov. Winston stood for reëlection, as the representative of the Democratic party, which this year had the appendage of Anti-Know-Nothing. Many Democrats went into the new organization, no doubt, from various motives, and a good many Whigs refused to adhere to it, and thus came into the Democratic and Anti-Know-Nothing organization. The canvass opened early, and upon both sides there was activity, a good deal of crimination and intense excitement. The organization of the Know-Nothing party was doubtless extensive and close at the opening of the Spring, and that party, counting numbers, relied upon an easy victory. But the Virginia elections came off in May, in which Gov. Wise, the Democratic candidate, was elected over Mr. Flournoy, breaking the organization by a thorough canvass of the State, and reforming the Democratic masses. The influence of this result was seen everywhere throughout the South. Alabama followed Virginia at the polls, and after an exciting and bitter canvass, Gov. Winston was re-elected by a large majority. The official vote as announced in convention of the two Houses was, for—

|                           |                 |
|---------------------------|-----------------|
| John A. Winston.....      | 42,228          |
| George D. Shortridge..... | 30,639 — 11,539 |
| Scattering.....           | 2               |
|                           | <hr/>           |
| Total.....                | 72,869          |

For no candidate for the Executive had so large a vote been cast as that received by Gov. Winston, nor had the popular vote at any time previously been so large. In the Presidential election of 1852, it was 41,919; in the contest of 1856, it was 74,291.

#### CONGRESSIONAL ELECTIONS.

The canvass in this department was earnest and spirited, especially South of the mountain. In the several Districts the following was the result, as to the candidates:

| <i>Elected.</i>                  | <i>Defeated.</i>           |
|----------------------------------|----------------------------|
| 1. Percy Walker, K. N.,.....     | James A. Stallworth, Dem.  |
| 2. Eli S. Shorter, Dem.,.....    | Julius C. Alford, K. N.    |
| 3. James F. Dowdell, Dem.,.....  | Thomas H. Watts, K. N.     |
| 4. Sampson W. Harris, Dem.,..... | William B. Martin, Indept. |
| 5. William R. Smith, K. N.,..... | Sydenham Moore, Dem.       |
| 6. George S. Houston, Dem.,..... | Opposition nominal.        |
| 7. W. R. W. Cobb, Dem.,.....     | Opposition nominal.        |

COL. ELI S. SHORTER was named for an uncle, the late Judge Eli Sims Shorter, one of the most distinguished jurists of the South, long an ornament to the Bench and Bar of Georgia. In that State, Col. Shorter was born and educated. His father, the late Gen. Reuben C. Shorter, removed to Alabama, and settled in Barbour county, in 1836. Here the son began his career as a lawyer and politician. His first effort to reach Congress was in 1855, when he was successful—which is good evidence of standing and influence in his profession and on the hustings. He belonged to the extreme Southern school, and made several speeches in Congress, marked by a defiant boldness, from one of which, delivered April 2, 1856, a few passages are selected, in a detached relation, yet all showing the spirit and firmness with which he hurled thunderbolts in the National councils.

Do you believe the South, less patriotic now than in the days of the Revolution, will quietly submit to the sacrifice of her rights, and still cling to the Union? If such is public opinion at the North, let it be at once undeceived. We understand, gentlemen, what our rights are under the Constitution, and, with the blessing of God, we mean to maintain them. We ask for nothing more—will be content with nothing less.

I hope and pray God that my section of the Union may never again, in an evil hour, be inclined to “compromise” with the North on the subject of slavery.

I believe in the right of a sovereign State to secede from the Union whenever she determines that the Federal Constitution has been violated by Congress, and that this Government has no Constitutional power to coerce such seceding State.

I think South Carolina mistook her remedy; secession, and not nullification, ought to have been the watchword.

The extraordinary exertions made by Massachusetts and the Black Republican party of the North, to rob the South of her equal rights in the Territories, have had one effect: You have thoroughly aroused the Southern States to a sense of their danger. You have caused them coolly to estimate the value of the Union; and we are determined to maintain our equality in it, or independence out of it.

The South has planted itself where it intends to stand or fall, Union or no Union, and that is, upon the platform laid down by the Georgia Convention.

We tell you plainly that we take issue with you: and whenever you repeal the fugitive slave law, or refuse to admit a State on account of slavery in her Constitution, or our equality in the Territories is sacrificed by an act of Congress, then the star of this Union will go down to rise no more.

Should we be forced to dissolve the Union in order to preserve Southern institutions and Southern civilization, we will do it in peace, if we can—in war, if we must; and let the God of Battles decide between us.

The shadows, sir, of the coming storm already darken our pathway. It will soon be upon us with all its fury.

Col. Shorter was reelected to Congress in 1857, and retired at the end of his term, in deference, it was said, to the position and claims of Col. James L. Pugh, who succeeded him. When the war broke out between the States, he entered the service as Colonel of a regiment, and participated in the battle of Shiloh, April, 1862. Afterward, he was connected in some form with the Confederate Government, but as I am not advised of its nature and extent, I can give no particulars. Col. Shorter still resides at Eufaula, engaged in his profession.

JULIUS C. ALFORD was a Representative in Congress from Georgia in 1839-42. He had previously served in the Legislature of that State, and was noted for his fearless and stormy declamation in popular assemblies—so much so that he was called the “War-Horse of Troup.” He commanded a company in the Creek war of 1836, and the day he entered Congress, it is said that a Northern member, on the floor, alluded, in terms of great sympathy to, and rebuke of, the manner in which the Indians of Georgia had been treated by the whites. Indignant at such blindness and effrontery, Mr. Alford, having just taken the oath of qualification from the Speaker, rushed to his seat, and with stentorian voice exclaimed: “The gentleman from Massachusetts never saw an Indian, never was scalped in his life—never heard the savage war-whoop. I can enlighten him.” Here Mr. Alford gave the war-whoop in fine imitation; and brandished his long arms as if he would let fly the tomahawk at the eulogist of the red man of the forest. Then came a tempest of denunciation upon the Northern fanatics, who busied themselves in matters of which they were wholly ignorant; the imaginary sorrows of a brutal Indian outweighed in their tender consciences, the misery of innocent women and children whom he had butchered. Away with such contemptible stuff, said Mr. Alford. It has disgraced this Hall long enough, and I will hold any member personally responsible who shall dare to impeach the honor or the humanity of the people of my State, in their peaceful and lawful efforts to have the Indian tribes removed beyond her jurisdiction, under the compact of 1802, with the United States.

The manner of Mr. Alford, and his character for courage and resolution, put a stop to such whinings of philanthropy during his term of service in Congress. He was commanding in person, and looked as if fear was as much a stranger to him as it was to the great Roman general, Julius Cæsar, whose name he bore.

Mr. Alford removed to Alabama about the year 1850, and settled in Pike county. Age had begun to show its work upon him; but he entered with spirit into the political contests of the day, and was a prominent member of the Union Convention that assembled in Montgomery, in 1852. After his defeat for Congress, in 1855, he made no further attempt to renew his former positions in public life. He died several years ago.

#### THE LEGISLATURE.

The elections for members of the General Assembly terminated largely in favor of the Democratic party. Several prominent Whigs allied themselves with that party, in opposition to the principles of the new organization, and were elected—as Mr. Patton,

and Richard W. Walker, of Lauderdale—and a goodly number of the leading men of that party (the Know-Nothings) were defeated, among them, Col. Charles McLemore and Col. Thomas H. Watts; while a considerable number of new men came to the surface, who had never before occupied place, and a number were never returned to their seats afterward.

The two Houses met at the Capitol on the 12th of November, 1855, and the attendance of members was large. In the Senate, there was a primary contest (in caucus) for President, mainly between William Acklin, Esq., of Madison, and Col. James R. Powell, of Coosa, which attained such intensity that neither could command a majority of a two-thirds vote, and the result was a concentration on Mr. Benjamin C. Yancey, of Cherokee, who was unanimously elected by the Senate. Joseph Phelan was reelected Secretary; Micah Taul, Assistant Secretary, and W. B. Padgett, Door-Keeper.

In the House, Mr. Richard W. Walker was unanimously elected Speaker. While he was eminently qualified for the place, his selection was a concession to the Whig element of the Anti-Know-Nothing party. Mr. Albert Elmore was elected Clerk, Robert H. Chapman, Assistant Clerk, C. C. Gordon, Engrossing Clerk, and —Beason, Door-Keeper.

The two Houses presented a strong array of character and talent. Many strong men were brought out of retirement, where they had long rested, by the force of political questions, and several new ones came upon the stage who were not before known in public life.

In the Senate, the Committees were arranged, with the following gentleman at the head:

Mr. Acklin, of the Judiciary;  
Mr. Taylor, of Greene, on Education;  
Mr. Bradford, on Banks and Banking;  
Mr. Felder, on Federal Relations;  
Mr. Prince, on the Military;  
Mr. Wilson, of Jackson, on Accounts and Claims.

In the House:

Mr. Cochran, on the Judiciary;  
Mr. Curry, on Internal Improvement;  
Mr. F. K. Beck, on Federal Relations;  
Mr. Jackson, on the Military;  
Mr. Winston, on Ways and Means;  
Mr. Taylor, of Chambers, on Accounts and Claims.

## MESSAGE.

The annual message of Gov. Winston was transmitted to the two Houses on Tuesday, a document short and pithy, not occupying more than thirteen pages of the printed Journals. The second paragraph alludes, in a very appropriate manner, to the death of ex-Gov. Collier, his immediate predecessor.

## GOVERNOR'S INSTALLATION.

Gov. Winston, having been formally notified of his reelection, and a Committee appointed to make suitable arrangements, entered upon the second term of office on the 18th of December, 1855, in presence of the two Houses, and a large audience in the galleries of the Representative Hall.

A pamphlet of seventy-six pages, compiled by P. H. Brittan, Esq., has been published, entitled, "The Veto Messages of Gov. John A. Winston: Session of the Alabama Legislature of 1855-'56, with a Memoir and Appendix." From this document, it appears that Gov. Winston exercised the veto power in disapproving and returning thirty-three bills, general and local.

The veto messages of the Governor were all, as a matter of course, entered upon the Journal of the House, to which they were addressed. Much irritation must have existed between the two departments, leading to acrimony in the debates. The Governor held his ground firmly, and, although he exercised the power with unusual frequency, there can be no doubt that some of his vetoes saved the State much embarrassment, and the people from heavy losses.

The Legislature took a recess from the 21st of December to the 7th of January, and finally adjourned on the 15th of February, 1856. Several elections were had during the session, which will be noticed, and remarks made in connection with them.

Gov. Fitzpatrick was elected by a vote of 79, over Luke Pryor, who received 45, for a full term in the Senate of the United States.

MR. PRYOR was a member from Limestone, and was complimented by his party, of which he was a prominent member, with their vote. He was a lawyer of some reputation, a gentleman of public spirit, and was at this session enlisted in the general projects of internal improvements which had been brought forward. He was a leading man in this, the only session he served.

For Judge of the Supreme Court, there was a stubborn contest, mainly between George W. Stone, Robert B. Brickell, and David

Clopton. In its progress, James B. Clark, William G. Jones, Andrew B. Moore, E. Woolsey Peck, and Joseph W. Lessene, were brought forward. After the greater part of three days spent in the election, on the 23d ballot, Judge Stone was elected, receiving 61—Brickell, 59.

MR. BRICKELL resides in Huntsville, where he came forward many years ago as a lawyer, and has, by application and perseverance, attained a high place in his profession. He has lately brought out a digest of Alabama Reports, which no doubt affords much information to the members of the bar, while it is likely to advance him still more in legal circles.

JAMES H. WEAVER, of Coosa, was elected Secretary of State to succeed Mr. Benham, who had signified his intention to retire. Mr. Weaver was originally from Georgia, but removed, when young, to Alabama, and settled in Coosa county, where he served a term as Sheriff. In 1853, as a Democratic nominee, he was elected to a seat in the House. He was elected Secretary of State in 1857, and retired at the end of his term.

WILLIAM J. GREENE was elected Comptroller of Public Accounts, by a vote of 72, against 42 for Joel Riggs. Mr. Greene was from Jackson county, and was, in 1847, elected Engrossing Clerk of the House, and reelected for several sessions, giving satisfaction as an officer.

He was continued in the office of Comptroller, by successive elections, until the surrender, in 1865. At the regular session of that year, under the reorganization of the State Government, he was before the General Assembly, seeking his former place; but was defeated by M. A. Chisolm, Esq., the appointee of Gov. Parsons. The length of time he retained his place—ten years—is evidence of his business capacity. Following in the wake of Mr. Riggs, he no doubt found the business of the office systematized, so that it was no difficult matter to keep it in good condition.

ROBERT B. ARMSTEAD was elected Solicitor of the Sixth Circuit, by a vote of 64, against 43 for Leonard F. Summers. He was born and educated in the Old Dominion, and was a son of Col. Robert Armstead, who, for many years, was the United States Marshal for the Southern District of Alabama—a Virginia gentleman of the old school, in his impulses and bearing. His son possessed many qualities of person and disposition to make friends and keep them, and justly ranked among the promising young men of his day, in mind and ambition to command success. On the commencement of the late war, he entered the service, and

was promoted to the rank of Major, and was in the army of Virginia, a brave soldier, when, in one of the sanguinary battles, he was killed. Thus Alabama lost by the casualties of war, in the Old Dominion, another of her many noble sons; but no purer patriot, or gentler spirit, laid down his life on the battle-field in defense of his native South, than Robert Armstead.

LEONARD F. SUMMERS was a lawyer of Mobile, of respectable talents and culture. He had been previously defeated for this office, but not dismayed, he abided his time, directing his efforts to the accomplishment of his purpose, and in 1859, he was elected, with a fair prospect of rendering efficient service to the State as the representative of its criminal justice. He promptly entered the service of the Confederate States as a soldier, and Captain of a company, and was killed in one of the battles of Virginia.

YOUNG L. ROYSTON, elected, without opposition, Solicitor of the First Circuit, is a lawyer and planter of Perry county, where he now resides. In person, he is remarkable for his height, being considerably over six feet. He was reelected in 1859, and again in 1863. He engaged warmly in the Confederate service, and was promoted to the command of a regiment, and was wounded in one of the battles of Virginia. He was afterward assigned to duty in Alabama, and was in Selma, perhaps in command of that post, when he was taken prisoner by the Federal troops in 1865. Since the surrender, Col. Royston has been retired, engaged in private and professional pursuits.

JOHN FOSTER, of Benton county, also had the fortune to have no competitor for the office of Chancellor of the Northern Division, to which he was elected in 1855. He was a Georgian, and settled in Jacksonville as a lawyer, about the year 1836.

I remember an incident connected with him in 1837. He had lately removed to Alabama, and had returned to Georgia on business, when a rumor got abroad, nobody knew how, that in a remote, lonely part of the country lying east of Jacksonville, a man had been way-laid and murdered, and was supposed to be a young lawyer but lately removed from Georgia, named Foster. The report had a fine run, and increased in every respect, except in the number killed—it remained one; yet in every other way the exaggeration was prodigious; nor did the excitement subside until it was known that Mr. Foster, whose supposed death at the hands of ruffians and robbers had exhausted the vocabulary of, "poor man," "what a pity for wife and children," "Oh, my!" etc., etc., was in his law-office at Jacksonville, poring over his books.

The writer feels persuaded that Judge Foster will excuse this

allusion, not to any "indiscretion of his youth," but to an event, or more properly a *conjecture* which gave rise to many lamentations for his early and cruel death, when in fact he was wholly innocent of the transaction, which caused him to be known all over the county much sooner than he otherwise would have been.

Judge Foster was reelected Chancellor in 1861, and continued upon the Bench until the surrender and overthrow of the Government—a period of ten years, during which time he exhibited the profound legal learning, and high sense of justice so necessary in this office. No position, probably, could have suited his taste and qualifications better; for while he was a ripe scholar and a sound jurist, he had no inclination to practice the "ways and means" by which success with the populace is usually obtained. He never could electioneer among the masses. He preferred his office and books, and personal friends. Still, from his very first settlement in the county, he was much respected, not only as a lawyer, but for his bearing as a gentleman.

In 1865 his acknowledged ability and long residence suggested him to the people as a delegate to the Constitutional Convention in September of that year. He was elected, and took a prominent part in its proceedings. Since then he has been retired under the operation of the Fourteenth Amendment, and yet resides in Jacksonville, a profound lawyer and worthy citizen.

## CHAPTER XXXV.

*Session of 1855 Concluded—Senators and Representatives Specially Noticed.*

Several gentlemen took seats in the Legislature at the session of 1855 who had not previously been members, or who have not been heretofore specially noticed in this work. Among the Senators were—

DR. E. J. BACON, of Chambers, who was a physician of good repute in LaFayette, and an Old Line Whig. Upon the issues in 1855, he allied himself with the Democratic party in opposition to the Know-Nothings, and was adopted as a competitor of Col. Charles McLemore. Unpromising as the prospect seemed at the commencement of the canvass, he succeeded, after an exciting contest, by a majority of *thirty-seven* votes in the county. This result was aided, no doubt, by the high social position of Dr. Bacon, and the influence he had in the Whig ranks. His election over such a champion won for him great prestige, and he took his seat in the Senate under favorable auspices. He was a gentleman of fine person and address, and bore his honors with a consciousness that he was observed, but without arrogance or vanity.

Dr. Bacon was a Georgian, well educated and intelligent, kind and companionable. He took good position in the Senate, and was made Chairman of an important Committee. In debate, he was a ready and fluent speaker, and had much influence in the Legislature. He was an enthusiastic, consistent and faithful Mason, and filled in Alabama a large space in the fraternity. Not long after his term in the Senate expired, he removed to Arkansas, in the vigor of his manhood and profession.

T. B. BETHEA, of Mobile, who for many years was a lawyer in Wilcox. He also engaged in planting, in which his success has been abundant. In 1848, he was upon the Electoral ticket for Cass and Butler, and voted for those gentlemen in the Electoral College. Afterwards settling in Mobile, in 1853, he came to the Senate a Democrat, and took an active part in the proceedings and debates. In 1855, he was elected as the representative of the Know-Nothing organization, and coöperated with that party in the Legislature upon political questions.

Changing his residence to Montgomery, in 1863 he was elected a member of the House, and again in 1865. Col. Bethea has been an active speaking member of the General Assembly when he occupied a seat, and took an active part in shaping the legislation of his day. The renown of his great wealth, and success as a planter, and his skill in accumulation, gave much force to his character, and made him a man of influence in financial, political, and social circles. He still resides in Montgomery.

NATHANIEL HOLT CLANTON, of Macon, was first elected to the House from that county as far back as 1838; but owing to the failure of his health, he returned home before the close of the session, and remained in private life many years. He was a Georgian, and settled a large planting interest on Calleebee Creek, where he found the cultivation of the soil, and the endearments of domestic life, more suited to his taste than political contests, though he was always popular, and had no difficulty of an election.

In 1853, he was elected to the Senate, and served through the session with marked efficiency, and returned, at the session of 1855, to complete his term, but his health was such that he was unable to take his seat, and on the 27th of November, he died.

Col. Clanton, in his political alliances was a Whig, but tolerant in his opinions, and remarkably kind in his social relations. He was a Christian gentleman of great worth in society, useful and upright as a citizen, and his loss was sensibly felt, and greatly deplored by the people among whom he lived, and by all who knew him.

JOHN N. MALONE, the Senator from Limestone and Morgan, graduated at LaGrange College, and read law in the office of Col. James W. McClung, at Huntsville. He was elected to the Senate in 1851, and again in 1854, making six years of service as a legislator. In 1852, he was a delegate to the National Democratic Convention, at Baltimore, and aided in the nomination of Pierce and King. In 1860, he supported Mr. Douglas for the Presidency, and was opposed to secession earnestly and honestly; but after Alabama passed the Ordinance of Secession, he went with her, heart and soul, sympathy and prayers. Since the disastrous results of the war, he has found it far more difficult to accept the situation, under Federal rule, than to acquiesce in what he considered the rash and unwise policy of dissolving the Union. He is now laboring under the disabilities of the Fourteenth Amendment, and is cheered with the hope, and the signs, that the sands in the hour-glass of Radicalism are fast running out, and that better days await the Southern people.

As a Senator, Mr. Malone was constant in attention to business,

and courteous in his bearing and intercourse with his associates, but firm and decided in his positions and votes. In debate, while he never inflicted long speeches, his remarks were clear, concise, and pointed. In his personal relations, he was confiding and social in a high degree, and withal a most affable gentleman, controlled and directed by a proper regard for Christian character and principle. Sometimes in the heat of political combat, he was excited, but it proceeded from convictions of right, even in the amenities of partisan warfare, but he was not bitter or spiteful.

He retired, at the close of the session, to his cherished avocations, and still resides in Limestone. The name of Mr. Malone, has a highly respectable significance in North Alabama, where he has long resided; and his brother, Mr. James C. Malone, has long occupied the place of a leading man in the Church and community where he resides.

DR. F. C. WEBB, of Lowndes, first took his seat in the House in 1853, and at the next election he was returned to the Senate, in which he served only through the session of 1855. He was a Whig, quiet, and attentive to business, was highly educated, and somewhat accomplished in letters. He frequently indulged his taste in writing squibs in prose and poetry for his amusement, and that of his friends. In these he exhibited fair artistic skill and good humor, of which he happened to possess a liberal fund that made him an agreeable companion. On the floor he was modest, respectful, and retiring in manner, and was regarded truly as a well bred and cultivated gentleman.

DR. B. F. WILSON, of Pickens, was brought into the Senate by the force of the political questions of the day. He was a gentleman of intelligence, and held a respectable rank on Committees, and in the science of legislation. His tastes led him away from the scramble for public place, and he retired at the end of the session.

BENJAMIN C. YANCEY, of Cherokee, is a native of South Carolina. His father, for whom he was named, was a distinguished lawyer of that State, and was Chairman of the Judiciary Committee in the Legislature, in 1816, and died in the morning of life, in 1817.

My first acquaintance with Mr. B. C. Yancey, was in the Democratic State Convention of 1839. He then resided at Wetumpka, and jointly with his brother, W. L. Yancey, edited the "Argus." He returned to South Carolina, and was several times elected to the Legislature in that State. Settling afterward in Cherokee county, Alabama, where he purchased a large landed estate on the

Coosa River, he was brought out in 1855 by the Democracy, and elected to the Senate, and at his first and only session was made President of that body. For this position he was well qualified by legislative experience, and he sustained his reputation as a presiding officer. Soon afterward he left the State, and settled in Athens, Georgia. Under the administration of President Buchanan he was appointed Minister to the Argentine Republic in South America, and remained abroad until about the time the war commenced.

Mr. Yancey frequently participated in the debates of the Senate, upon important questions, with marked ability. He was justly regarded as a gentleman of high character, and possessed colloquial powers of no ordinary kind, which attached much interest to his society, when coupled with his superior intelligence and agreeable address.

For several years Mr. Yancey was President of the State Agricultural Society of Georgia, and gave much attention to its prosperity and usefulness. He is a citizen of large public spirit, and by his energy, and enlightened labors to recuperate the depressed condition of the South, he has gained the public applause. High-toned, and above all concealment, his fame is in worthy relation to that of his distinguished brother, the late William L. Yancey, of Alabama.

#### MEMBERS OF THE HOUSE.

The rule adopted, to bring forward, in the order of service, the names of gentlemen, applies to the following:

FRANKLIN K. BECK, of Wilcox, was raised and educated in Alabama, and was favored with a large family influence, in coming forward as a lawyer. He was a nephew of Col. William R. King, whose friendship and patronage he enjoyed.

In 1843, Mr. Beck was elected Solicitor of the Second Circuit, which brought him forward as prosecuting attorney, and contributed to develop his future character. In 1851, he was elected to the House as the colleague of Judge Sterrett, as a Union, or Compromise man, and coöperated with that organization generally through the session. But the Democratic party having reorganized upon the Georgia Platform, he reëstablished his relations, and went for Pierce and King in 1852. He was again elected in 1855, and took a leading part in the proceedings of the House, and was assigned the respectable position of Chairman of the Committee on Federal Relations.

Mr. Beck was a member of the Convention of 1861, and voted for secession. On a resolution offered by Mr. Coleman, to pledge the power of Alabama to aid in resisting any attempt on the part of the United States to coerce any of the seceding States, he said:

The cause of South Carolina was the cause of Alabama; indeed of the whole South; but particularly were the States that contemplated secession interested in sustaining each other. Alabama can not stand by and see force used against a seceding State. It would be the policy of the Federal Government to conquer the States in detail. They must, therefore, sustain each other. This matter was well understood in Virginia, who, though she had taken no step toward secession, had already, through her Legislature, resolved, almost unanimously, that she would resist by force any attempt to coerce a seceding State. We owed it to ourselves and to the position we now occupy, not to be behind Virginia in giving prompt expression to our determination to stand by and uphold the seceding States in their efforts to resist Black Republican rule.

In the late war, he entered with zeal into the Confederate service, and raised a regiment, of which he was made Colonel. He was in the department of Mississippi, and shared actively in the defense of Vicksburg, when that post was captured by the enemy in July 1863. His command was then ordered to Georgia, and in one of the battles just before the surrender he was killed. Col. Beck was a gentleman of fine character and rising talents, with a bright future apparently before him, when thus suddenly cut down in the meridian of life. When quite young, he married a daughter of James Tait, Esq., of Wilcox, a gentleman of great substance in property and in moral worth.

WILLIAM P. DAVIS, of Benton, was first elected to the House in 1851, and reelected in 1853, and again in 1855, serving a course of six years. He was raised and educated in the State, adopting the profession of the law, and entered public life too soon to accomplish anything solid in legal pursuits. The times in which he commenced his career, were exciting and somewhat demoralizing upon politicians who had not become well set in their principles.

Mr. Davis was sprightly and showy, with a good deal of self-esteem—rather more sail than ballast—increased by the fact of having influential family relations. He was much flattered by being consulted on the direction of political and legislative movements, which inspired more confidence in his abilities, and frequently exposed him to criticism, and produced embarrassment. In political organization he was often a *disorganizer*, and began to delight in being the center of a disorganizing wing of his party. Sometimes this feeling carried him to great excess, and he was left to himself, as in 1853, when he recorded his vote *alone* against the resolutions of the General Assembly, expressive of their sense of the character of the Hon. William R. King, Vice-President of the United States, and which surprised everybody. He was erratic and impulsive, and hasty to a fault; and these, in connection with good qualities of mind and heart, presented a strange medley.

It was a misfortune that Mr. Davis entered political life so young, and at such a time; for he possessed intellectual faculties

which, if properly cultivated and directed, would have led to substantial developments and character. He was a ready speaker, and occupied a good deal of time upon the floor. Having full confidence in himself, he never turned aside from any tilt in discussion, in which he would sometimes get the better, and at other times he came off badly worsted. But whatever errors he may have fallen into, they were more in the nature of mistakes than a vicious disposition; for the impulses of his heart were, in the main, good and generous. Upon the leading political principles of the day, he was fixed and stable. He was a Democrat of the Southern Rights wing, and received his early bent of character under the influence of the notions then entertained by a good many of the class, that "Young America" was the giant of the day, and had a right to put on airs.

Not long after he retired from the Legislature, Mr. Davis removed West, leaving behind him many kind remembrances, of political and personal associations among the many who knew him.

THOMAS H. HOBBS, of Limestone, took his seat for the first time in the Legislature at the session of 1855. He was a young man, who had been raised with all the care which wealth and parental tenderness could bestow. His education had been well attended to, and finished; and he developed at an early day moral qualities which gave beauty to his character. A Christian in principle and practice, the open advocate and friend of the Temperance cause, and of every movement looking to the elevation of the public morals; with an ample fortune, a good person, an amiable, open countenance that seemed to rest upon a conscience void of offense, he presented a model of the polished religious gentleman. And such he was, urbane, respectful, and dignified in his deportment to his fellows, faithful to his trusts and friendships, and true to the State and land of his nativity, which he loved so well. He discharged his duties at this session with marked ability and fidelity, but with the modesty which indicated that he felt the restraints of being a new member.

In 1857, Mr. Hobbs was again returned, and took a prominent position in the organization of the House and in the proceedings of the session. As Chairman of the Committee on Education, he had a field of duty and labor opened to him which suited his taste and aspirations.

. During the latter session, the public faith was imperiled by the force of the monetary revulsion which had set in during the Fall; but the calamity was averted by the energy and patriotism of Mr. John Whiting, which drew from Mr. Hobbs a complimentary resolution, to be found on the House Journal, p. 334, as it passed.

His constituents, among whom he was raised, were so pleased

with his course in the Legislature, that, in 1859, they elected him a third time to the House. With the experience he had gained, he passed through the latter session with increased influence, which made him one of the leading members in all the essentials of a wise, practical statesmanship.

When hostilities between the North and the South commenced, in 1861, Mr. Hobbs entered the service of the Confederate States, and attained the rank of Major. While on duty at the siege of Petersburg, and in one of the desperate charges which marked the battles in Virginia, he was killed. In his death, Alabama lost a virtuous and useful citizen, whose future, illumined by talent and bright hopes, seemed to promise a rich harvest of fame. His record, in the hearts of the people, will not soon be obliterated.

NATHANIEL R. KING, of Shelby, son of Edmund King, Esq., formerly of Montevallo, (a gentleman of great energy and wealth,) was a native Alabamian, liberally educated, and a young man of superior intelligence. In 1855, he was elected to the House, and served through the session, his only term in public life. Even then, it was evident from the state of his health, that he had a disease, which continued to progress until it carried him off a few years afterward. Favored with ample means, and the indulgence of a kind father, he had previously visited Europe, in the hope of improving his physical condition by a change of climate, and by travels in a foreign land; but all to little purpose. He was cut down in early life, yet not until the people of his county, among whom he was raised, had honored him with their confidence in the councils of the State. He had a good mind, and prepossessing person, and was highly respected in the social walks of life.

E. G. PORTIS, of Monroe, represented the people of that county only at the session of 1855. He was a merchant, liberally educated, well read, had a very attractive person, and a face so expressive of character as to draw notice in any assembly. He was ill at ease in the Legislature. They moved too slow for him, and too much public time was spent to no profit, in his estimation. He had evidently been accustomed to an active life, and to great economy of time and means, which, doubtless, contributed to his success in business, and to his fine stock of intelligence. He was a native of North Carolina, but had long resided in Alabama, and was fully identified with her interests. He possessed the elements of character for a useful and enterprising citizen, and was a Democrat. In a few years after the session, he died, much regretted by the community.

WESLEY M. SMITH, of Franklin, was first elected to the House in 1845, and filled his place well as one of the younger members of that body. In 1851, and in 1855, he was again returned, showing the confidence reposed in him by his constituents, among whom he grew to manhood. As his experience in public life increased, his capacity as a useful legislator was developed in his familiarity with the forms of proceeding, and with questions of public policy. He was generally connected with all political movements within his influence as a Democrat of the State Rights school, and used to say that he was a disciple of Major David Hubbard and Col. F. G. Norman, both prominent men of their day, capable of teaching in this department, at least.

Mr. Smith was esteemed a worthy gentleman, and representative of his people, and was watchful of the public interest. An active man on committees, well versed in the details of business, he filled his place well. Since this session, he has been in retirement, pursuing the avocations of a citizen, in which he has succeeded, and enjoys the respect of those who know him best, in the possession of comfort and competency as the fruits of honest service to the public and to himself.

GEORGE TAYLOR, of Coosa, was elected in 1855, a Democrat. He was a planter; and from the humble walks of life in property, he had, by well-directed industry, acquired a large competency, and dispensed, at his home near Wetumpka, a warm-hearted, liberal hospitality. He had no public aspirations, else he might have represented his county for many years, so closely identified was he with the people around him. Without early advantages, he possessed a good share of practical knowledge and information, and was, in every sense of the term, a respectable citizen. He was elected to the January Convention, 1861, as a Coöperationist; but before the Ordinance of Secession was voted upon, his convictions led him to support it, as the best that could be done. He was never a candidate again, and died a few years thereafter.

DR. GEORGE F. TAYLOR, of Chambers, was a Georgian, and an Old-Line Whig, who, in the organization of parties in 1855, upon the Know-Nothing basis, allied himself with the Democratic and Anti-Know-Nothing party; and being a gentleman of intelligence and large influence, he was placed on the ticket, and elected. He was made Chairman of an important Committee, and acquitted himself as a useful, industrious member. He was well educated, possessed good qualities and extensive information, and was much respected by his fellow-members in the Legislature. This was his only session. He still resides at LaFayette, engaged in the practice of his profession.

TOLIVER TOWLES was an old stager, who first made his appearance from Chambers, as a member of the House in 1839, the colleague of *Arnold Seale, Esq.*, a gentleman of wealth and worth, intelligence and energy. Mr. Towles was a Democrat, and it took him several years to fix up so as to go successfully through the ballot-box in Chambers, where the political majority was against him; so he did not return until 1847, and again in 1855—eight years between times.

Mr. Towles belonged to a valuable class of members who saved time by not speaking, and rendered ready service in carrying forward the business of the House with an eye to its dispatch, and the public interest. Socially, he rendered himself quite agreeable, and possessed a generous nature. He was a Georgian, a planter, and a good citizen.

In 1865, he was elected a member of the Constitutional Convention for reorganizing the State, and was also a member of that in 1867, organized under Congressional rule; but I do not think he voted for the Constitution that was adopted by that body. And while it is to be regretted that a gentleman who so long enjoyed the confidence of his fellow-citizens, should, in after-life, become embarrassed in his political relations by causes of such a vital nature, fair allowances should be made for surroundings and prejudices which, if known, perhaps would relieve Mr. Towles from misapprehension, at least so far as his motives are concerned.

The observation of a life-time satisfies me that one misstep, or a step in the wrong direction by an old man of pride of character, and position, and opinion, is difficult to retrace, and that relations thus impaired are seldom reestablished. Confidence is destroyed, and when that is gone in public men, or when men find themselves deceived, the feelings revolt from any further reliance. Looking at Mr. Towles away back twenty and thirty years, in the freeness of political associations and personal friendships, I confess that my mind rests with more satisfaction upon his *early* political history; and I have no doubt he finds more pleasure in reflecting upon those days and associations, than he does upon his recent experience and attachments as a politician.

JAMES H. CLANTON was a student in the University of Alabama when I first formed his acquaintance, about the year 1845. His father, Nathaniel H. Clanton, an opulent planter of Macon county, was a Representative in the Legislature in 1838, who, having very little inclination or taste for public life, soon retired, and his next election was to the Senate in 1853. He died not long thereafter.

The son, Mr. J. H. Clanton, read law (to the best of my recollection), with the late N. W. Cocke, Esq., and, after his admission

to the bar, settled in the town of Montgomery to pursue the practice of his profession. He married a daughter of the Hon. James Abercrombie, late a Representative in Congress, by which connexion he secured a large family influence. In 1855, he was elected a Representative from Montgomery county, and subsequently obtained the commission of Brigadier General in the State Militia. He also, in 1855, attached himself to the American party. By special invitation, he and the late Hon. James E. Belser attended a large Mass Convention of that party at the city of Macon, Georgia, where both were called out by the multitude, and both made eloquent speeches. In 1860, Gen. Clanton served on the Union ticket as a candidate for Presidential Elector in favor of Bell and Everett. He was a decided Whig in politics from early manhood, and was opposed to secession until the Ordinance was passed, after which he acted on the principle of paramount allegiance to the State.

On the breaking out of the war in 1861, General Clanton was among the first to raise a company for Southern defense, and, with his cavalry, operated on the coast and about Pensacola. He afterward raised a regiment of cavalry, of which he was appointed Colonel, and subsequently he was promoted to the rank of Brigadier General by President Davis. He continued in the service until the surrender of the Confederate armies, in 1865. He was a bold, gallant and impetuous leader, and such are now his qualities in the contests of civil life.

At the Convention at Selma in 1866, Gen. Clanton was appointed Chairman of the Executive Committee of the Democratic and Conservative party, which position he still retains, always vigilant and fearless, and ready to expose error and corruption. He has rendered efficient service to the State by his wise and patriotic counsels, supported by his able associates on the Committee.

The personal qualities of Gen. Clanton are most decided. His name is of high authority when the honor of men is involved, and when the principles of justice and right are at stake. Were he to perceive a manifest wrong about to be practised on a political enemy, or on the humblest man living, he would stand by him at every peril, to prevent or to redress the wrong. Whatever is elevated and honorable, finds in him a cordial support, and he will incur every hazard to carry out his principles. His character in this respect is so generally known, that he has been called the Chevalier Bayard of Alabama—a man without fear and without reproach.

He still resides at Montgomery, and is engaged in the practice of the law, being a member of the very able legal firm of Stone, Clopton & Clanton. No citizen of Alabama has a stronger hold on the confidence of the people, and no one has a brighter prospect of usefulness, to crown his labors for the public good.

## DEATH OF GENERAL CLANTON.

Since the foregoing sketch was written, the life of this distinguished gentleman was terminated in a tragical manner, at Knoxville, Tennessee, on 27th September, 1871. His remains were brought to Montgomery, where they lay in state at the Capitol, and were visited by a multitude computed at ten thousand persons. The Mayor and Aldermen adopted proceedings suitable to the occasion. A public meeting of the citizens was held, and every demonstration of respect was paid to his memory. Colonel Joseph Hodgson pronounced an eloquent eulogy on the character and public services of the deceased. The funeral procession was the largest ever seen in the State. Numerous public meetings were held throughout Alabama, and Town Councils united in paying tribute to his memory.

At a meeting held by the Montgomery Bar, the following resolutions were unanimously adopted :

*Resolved*, That as members of the Bar we can but express our deepest sorrow at the unexpected death of our brother, Gen. James H. Clanton. He was a lawyer of rare gifts—enthusiastic in the pursuit of whatever was right, and marking and adorning, with the highest sense of professional honor, his intercourse with his brethren. He had attained an enviable reputation, both as an advocate and counsellor. His past success, so brilliant in its nature, gave promise of a full measure of professional renown and prosperity. His sudden death forcibly teaches us “what shadows we are—what shadows we pursue.”

*Resolved*, One great merit, crowning merit of the many great merits of our deceased brother, was that there was nothing negative in his character. Wherever right led, he was always ready, willing and anxious to follow, and did follow with all the force and impulse of an energetic nature; and in pursuing and carrying out his conscientious convictions of right, no danger could deter nor obstacle retard.

*Resolved*, Our deceased brother was devotedly and sincerely patriotic; he loved his native land and his State, and there was no sacrifice, however great in its nature, that he would hesitate to make in behalf of either.

*Resolved*, His whole-hearted, unwavering devotion to truth, right, friends and country, together with his acknowledged ability in maintaining the cause which his judgment approved, gave him a large space in the public eye, and a warm reception in the affections and hearts of his countrymen.

*Resolved*, Possessed of the highest generosity and benevolence for the suffering and afflicted—of an indomitable courage under all circumstances—of sincere devotion and adherence to truth, utter detestation of falsehood—he was the embodiment of the noblest and purest type of true manhood.

*Resolved*, We condole with his bereaved family, tender them our sympathies, give our sanction and bestow our encouragement on all measures for their relief.

*Resolved*, That a copy of these resolutions be presented to the Circuit, City and Chancery Courts of this county, by a Committee of five, to be appointed by the Chairman; and that each of said Courts be requested to spread said resolutions upon its minutes.

The Chairman, in conformity to the resolutions, appointed the following gentlemen to constitute said Committee: Judge A. J. Walker, Chairman; ex-Gov. T. H. Watts, Col. M. D. Graham, Col. J. W. A. Sanford, and Col. D. S. Troy.

On motion, the meeting adjourned *sine die*.

DAVID CLOPTON, Chairman.

C. R. HUBBARD, Secretary.

From the Montgomery "Mail and Advertiser," of November 23d, the following extract is subjoined :

In the United States District Court, Judge Busted presiding, proceedings were had yesterday relative to the death of our late esteemed and distinguished townsman, Gen. James H. Clanton. Soon after the opening of the Court, Judge A. J. Walker stated that he was deputed by the Bar of Montgomery to present to the Court the resolutions of that body upon the subject of General Clanton's decease, and read them to the Court. These we have heretofore published.

Judge Walker suggested that members of the Bar of other parts of the District than Montgomery respond to the motion which he had submitted, and Gen. John T. Morgan, of Selma, seconded Judge Walker's motion in a speech replete with the deepest feeling, and more than even his accustomed eloquence ; after which, Judge Busted said in reply :

"My own grief at the untimely death of General Clanton is too fresh to admit of my making any extended remarks on this occasion, notwithstanding that I fully anticipated this motion would be made. The deceased was my personal friend, and his loss is a personal bereavement. James H. Clanton was not an ordinary man. In all his relations to society, he was distinguished. Rugged honesty, peerless bravery, unfaltering loyalty, fidelity to friends, and generosity to foes, were the constituent elements of his being. He was full of the qualities which make men good, and of his failings it may truthfully be said, 'they leaned to virtue's side.' Such a man is great, for it is in these qualities that greatness rests. It is sad to think his voice shall never more be heard by us—inexpressibly sad that the grave hides him forever from our mortal companionship !

'Sweet in manners, fair in favor,  
Soft in temper, fierce in fight ;  
Lawyer nobler, warrior braver,  
Never shall behold the light.'

"Let the resolutions be entered at once upon the minutes, and as a further mark of respect for our deceased brother, this Court will now adjourn until to-morrow morning."

On 21st November, 1871, Governor Lindsay transmitted his annual message to the Legislature, in which he thus alludes to Gen. Clanton :

From the very first instant of my struggle with the Alabama and Chattanooga Railroad to the sad and melancholy hour of his death, I was strengthened by the advice and determination of the noble and lamented Clanton. Faithful, zealous and unselfish in his devotion to Alabama, with an unwavering fortitude, he labored to promote her interests ; and shrinking from no sacrifice, he ever sought to vindicate her honor. It is a reflection of mingled sorrow and pleasure that my course received the co-operation and sanction of such a generous and earnest patriot. Remote from home when he perished, and in the service of the State, no admonition from me is necessary to prompt the General Assembly to render a just tribute to his memory, and an adequate recompense to his bereaved family.

In the House of Representatives, November 23d, the following proceedings were had :

Mr. Lowe, from the Special Committee on that part of the Governor's message relating to the services and death of the late General James H. Clanton, reported the following series of resolutions :

*Be it Resolved*, That the House of Representatives of the State of Alabama has received, with sincere and profound sensibility, the intelligence of the death of

Gen. James Holt Clanton—a statesman without guile, a soldier without fear, and a citizen, in every respect, of the most noble and exemplary character.

*Resolved*, That the officers and members of the House will wear the usual badge of mourning for thirty days, as a testimony of their respect for the memory of the deceased.

*Resolved*. That the proceedings of this House be communicated by the Clerk to the family of the deceased, and that, as a further mark of respect for the memory of the deceased, the House now adjourn.

In support of these resolutions, Mr. Lowe said :

*Mr. Speaker*—I rise, in support of these resolutions, to perform a melancholy duty: to call the attention of the House to an occurrence which has excited popular sympathy and sorrow throughout all parts of the State—the sudden and calamitous death of General Clanton—which has found an appropriate place in the Governor's message, and which should not be passed in silence by the House of Representatives.

General Clanton, Sir, was, in the highest sense, a representative Southern man. He was the embodiment of our best popular characteristics. He occupied a peculiar place in the hearts of our people, and no man enjoyed to a more unqualified extent their general confidence and affection. Everywhere, from the mountains to the gulf, the people knew and loved him. In speaking of him now, it is not necessary to strain the truth to magnify his virtues. It is no exaggeration to say of him, that in lofty and genuine patriotism, in moral and physical courage, in sagacity and common sense, in personal integrity and devotion to duty, he has not been surpassed by any of his contemporaries. There was something, also, in the union of these high qualities in him—a blending of mind and character, a personal magnetism, a genius for executive affairs, and a peculiar and subtle power over men—which combined to make him, all in all, one of the most marked and conspicuous figures that has appeared at any time in the public affairs of the State. I believe, Sir, of all the men I ever knew, he was the loftiest, most heroic spirit. In pronouncing his eulogy, it is not necessary to borrow the guarded phrases of mere panegyric. He had, doubtless, his imperfections—he was human—yet they were but the human part of an instinctively great and noble nature. They, too, were the characteristics of our Southern land, and assisted to make him more and more the ideal representative of our people.

I need not recount, at this time, the events of his brief but eventful life: every one knows them. Every one is familiar with his brilliant and stainless record as a soldier of the South in the late war between the States. During its latter period, I served near him as one of his brigade. I have seen him often “on the perilous edge of battle,” when he looked like some belted knight of feudal days, that had merely doffed his case of mail, and come again in flesh and blood to teach us chivalry. That age, that institution, is indeed gone, but never yet did any knight in olden time better illustrate its essential soul and spirit—“the unbought grace of life, the cheap defense of nations, the nurse of manly sentiment and heroic enterprise.”

In our recent grave and bitter political complications with the Government, he enjoyed the unqualified confidence of our people. He was famed throughout the South as a bold and defiant partisan leader—the acknowledged civic-champion of the white race of this Commonwealth.

Everybody knew his reputation at the Bar as an able and generous advocate of the unfortunate, the defenseless, the oppressed. In these varied relations, no one of his contemporaries was more noted and prominent. But there is another and closer view of him in his private and personal relations—a nearer and better observation, disclosing his real simplicity of character, his native generosity, his love of truth, his fidelity to friends, his loyalty to woman, and reverence for sacred things—home-virtues—which only those who knew him, as I knew him, in the unreserve of social intercourse, or in the intimacy of the home-circle, can ever fully understand and appreciate.

But I will not trust myself further in this direction. In view of the sudden and most distressing character of this calamity, I have no words adequate to

express the personal bitterness of my own feelings to mingle a private with a public sorrow. Even now, in this draped hall, I can scarcely realize that he whom we lately saw in the prime and vigor of life, and occupying so large a space in our thoughts, is indeed no more—that Harry Percy's spur is cold—that the chivalrous soldier, the patriotic citizen, the ardent advocate, the fearless and irreproachable Clanton, has been stricken down in the glory of his manhood, and in the zenith of his active and useful career. I will not say we ne'er shall look on his like again; but I do say, that in all our borders, we have no one that can altogether fill his place.

It might be invidious, Mr. Speaker, to enter now into the details of his untimely death, but there is a thought in this connection which is entitled to our grave consideration. It is that Gen. Clanton was killed while in the employment and representing the interests of Alabama. He lost his life while on duty. He had been warned by prudent friends not to go to East-Tennessee. He had been repeatedly threatened, as the Agent of Alabama, by the desperate minions of that corrupt, defaulting railroad company with which he, in behalf of the State, was then in litigation. He had reason to expect, and did expect, an attack at any moment. At the final crisis of the affair, when the fatal assault is actually being made upon him, he infers, and naturally infers, from its singular and unprovoked character, as well as from previous significant threats and warnings, that it was aimed at him in his representative capacity. Impressed with this idea, yet fearless under all circumstances, he promptly met the issue. Evidently believing (whether erroneously or not) that his official relation to the State was the latent, but real, cause of the attack upon him, he died in that belief. His last brave words, "*I have done all I could,*" were his dying message to his people—his final report to the authority that had intrusted him, in that matter, with the interests and honor of the State. It is to the grateful consideration of this thought that I invoke the attention of the House. Gen. Clanton has, indeed, "*done all he could*" for the State. He has sacrificed a life dear to us, but inestimable to his family, in the discharge of a professional duty, in defense of a public trust. What more can we say of this last and crowning act of his life? He leaves behind him as his debtors, in a high sense, every true and patriotic citizen of Alabama. He has placed us under such sacred obligations that public gratitude instinctively demands that his widow and children shall be adopted and cherished as the wards of the State. In full accord with that sentiment I would be glad, as a member of this body, to give it official sanction. If necessary, I would favor a direct appropriation. If requisite to shield his widow and orphans from vicissitude, I would throw around them the protecting ægis of the State. Whatever a generous patriotism may suggest in this respect, should be freely done by us or our constituents. Alabama, in her fiduciary capacity, as guardian of Gen. Clanton's children, should proudly see to it that their heritage is amply supplied by the gratitude of a generous and noble people.

Mr. Speaker, the spontaneous outburst of popular feeling which greeted the sad intelligence of the death of our lamented friend, indicates, to some extent, the popular appreciation of his eminent and unselfish services to the State. The people feel, sir, that in honoring him they honor themselves. The House, in its action on these resolutions, will respond in like spirit to the people. History will do the rest and complete the record. The memory of his lofty character, and the influence of his rare example will not be lost to those who come after us. We can anticipate the time when the historian of Alabama, free from present vicissitudes, will gather together the records and traditions of our distinguished dead, for their respective places in the archives of the State. In that better day, our noble friend will illustrate an elevated and distinct position among the statesmen, patriots, and heroes of the South. He will surely stand exalted among contemporary Alabamians as in life the best beloved, and in death the most lamented, of them all; therefore, Mr. Speaker, in behalf of the Committee, I offer the foregoing resolutions.

Mr. Oates, in support of the resolutions, spoke as follows;

*Mr. Speaker*—After what has been said, and so well said, by the learned gentleman from Madison (Mr. Lowe) concerning the character and distinguished services

rendered to the people of the State by our lamented friend, I shall not undertake to pronounce a eulogy upon him. I arise, sir, merely to express my most cordial concurrence in what has been said.

No man who ever lived within her borders was more devoted to his State than was the deceased to his beloved Alabama. Every measure calculated to redound to her glory, and add to her material prosperity, found in him a sincere friend and fearless advocate. Whatever tended to her dishonor, foremost among her staunch defenders, he was ever ready to resist to the utmost extremity. His courage, both physical and moral, was of the highest order, yet it did not surpass his generosity and benevolence. In his charge at Doaneville, like the leader of the Old Guard at Waterloo, he displayed a sublimity of courage equal to the French Marshal whose response to the demands of his enemies was, "A Marshal of France never surrenders!" He excited in his enemies both terror and admiration, as Murat did of the Cossack; yet all the blows he ever inflicted, all his exertions, both mental and physical, were but the outpourings of his generous nature for the relief of the oppressed, and in the cause of right. Notwithstanding his impetuosity, when the exigency demanded it he was cool, deliberate, and cautious in counsel.

But he is gone from us forever; we shall not look upon his like again. "God made but one such man, and broke the die that molded Clanton."

Mr. Lewis said:

*Mr. Speaker*—Since our last adjournment a great calamity and sorrow has fallen upon our people. The public heart was wrung as never before, when the sharp, awful pang ran through the land, upon the tidings of the death of Gen. Clanton. Why this great lamentation? What was it in the life and character of the deceased that gave him such a hold on the affections of his fellow-citizens? Why is it that this grief is even more poignant than any this people has ever experienced—greater than when the faultless, noble, self-poised Gen. Lee was gathered to his fathers? Mr. Speaker, Lee was our representative man when we were clothed with the habiliments and sovereignty of a free people; when we could marshal our hosts to battle, and cross sabre with sabre, meet bayonet with bayonet, and give full force to our power as a nation. But when the dark hour of defeat came—when we sat down by the *rivers of Babylon* and wept, a conquered and subdued people, with our political institutions shattered, our social fabric and labor system broken up—there was needed some clarion voice to rouse our people to duty. It was then that the brave, chivalrous, ardent, heroic Clanton came forward, and with one accord and acclaim the people looked to him as a leader. He told us by words and example that all was not lost to us, that much for good still remained, that these people still held intact one great essential element of civilization in the individuality of her sons and daughters, and that no earthly power could ever rob us of the courage and manliness of the one, or the delicacy and chastity of the other. Well had nature fitted him for this arduous position, and right well did he meet the emergency. From that day to the hour of his untimely death, his career had been one of ceaseless vigilance, untiring zeal and self-sacrificing devotion to the public weal.

In the relations of private life, a warm, unselfish, sincere devotion to his friends was his chief characteristic. In prospect of power, no consideration of promotion could ever induce him for a moment to swerve from his self-imposed allegiance.

"He grappled them to his soul with hooks of steel."

It is a matter of history that, when he was transferred to the Department of Mississippi, he was told that if he abstained from taking the part of a friend then involved in misunderstanding with the General commanding, he could be the head of the cavalry. He disdained the proposition—proclaimed in season and out of season that his friend had been wronged and he would share his fate. He lost his prospect of promotion, and was transferred to another field, where his capacity for war was forever circumscribed.

As an advocate, he shone with a peculiar lustre. Gifted with quick perceptions, a warm sensibility, and keen insight into human nature, combining the strength of the war horse with the fleetness of the racer, making the cause of the client

his own, and throwing into it all the zeal, ardor and strength of his nature, he won verdicts where greater jurists would have failed.

But, Mr. Speaker, why should I attempt to portray the character of this remarkable man? Upon the spontaneous outpouring of public grief at the time of his death, so much was so eloquently said and written, that an attempt upon my part, at this time, would be vain and futile. I will refrain.

"I knew our brother; his mute dust  
I honor, and his living worth;  
A man more pure, and bold, and just  
Was never born into the earth."

Impetuous, daring, as clear as a fair day in his own sunny South, unsullied in his honor, a hater of all that was mean and sordid, "a lover of his kind and a sacrificer of himself," graceful, generous, knightly; cautious in counsel, but rapid, decided, sudden in action—with a high, imperious will—he presents to us a picture of loftiness and grandeur, of sweetness and amenity.

It is a pleasant thing to dwell upon his memory; it is a precious heritage which he has bequeathed to his people; it makes us better satisfied with ourselves and our country. As has been well said, he was a true type of a Southern leader. His faults were identified with the open-heartedness of the man. Like light and shade, they mutually assisted in an attractive picture to human eyes. Let all the true sons of Alabama embalm his name forever in their heart of hearts; let us rear some fit testimonial of our appreciation of his services; let a grateful people throng to his tomb and bedew it with their tears, whence perennial blossoms springing may ever cover his grave.

Mr. Semmes, of Mobile, said:

I come from the Gulf City to join my feeble voice to those of the eloquent gentlemen from Middle and North-Alabama, in sounding the fame and perpetuating the name of the heroic Clanton. It is through the influence of such men as was he to unite all Alabamians, North, South, East, and West, within the fold of one vast band of confiding, loving brothers. A representative of the grand old cavalier whose deeds of daring and devotion have emblazoned the finest and brightest pages of the history of every age and nation, a representative who truly represented the class from which he sprung; one who carried his purse, his heart and his life in his hand, always at the command of a friend, those in distress, or his country's cause. Oh! my native Alabama: What a loss we, your representatives, are called to commemorate on this occasion!

The great Clanton is no more. He has passed away from amidst those he was wont to fight for, and to whose welfare it was his greatest pleasure to devote every thought of his mind, and every energy of his powerful frame.

Where is it most meet to honor the great Clanton?

"Here, in Montgomery's central roar,  
Where the feet of those he fought for,  
And the voices of those he wrought for,  
Shall resound around his grave for evermore."

Prior to the war, a quiet citizen following the peaceful avocations of civil life, he grasped his sword and rushed to the front when the first tocsin of war sounded, there to offer his fortune, his life, and his honor, in his country's cause. Well might I portray the actions of himself and his noble troops, during the exciting scenes of that mighty struggle, in the words of England's Poet Laureate:

Right on the Clanton troop went rushing,  
All opposition before them crushing—  
Stormed at with shot and shell,  
Thro' the jaws of death, into the mouth of hell,  
These gallant heroes went dashing  
With a thousand muskets all flashing.  
Then cheer the noble Clanton boys,  
Who took the hostile guns like toys;  
Honor the wild charges they made—  
Honor those who fought and bled—  
Honor our great, our mighty dead.

After the war was over, and our loved South shrouded in gloom, he returned to his home and the privacy of domestic life, yet never for a moment did he cease to devote his whole life and time to the advancement of the interests of Alabama; so great was his influence that even we, on the far southern sea-coast, looked to Clanton as a beacon light which would infallibly lead to a peaceful harbor surrounded by plenty and ease. Aye, Mr. Speaker, I as a representative man from South-Alabama, felt that, whilst the mighty Clanton lived the liberties of Alabama could never die.

Mr. Crook spoke, in substance as follows:

*Mr. Speaker*—The pathetic eulogiums pronounced by gentlemen who have preceded me are truly appropriate, but rather suggestive than exhaustive of the superior virtues, the ennobling attributes, and exalting characteristics which so eminently distinguished him, who lived for his country, who died for his country, and in dying left to her an heritage of tears. It is not my purpose to speak at length upon this melancholy and exhaustless theme, but merely to unite in a general expression of sorrow over the untimely and tragical death of one of Alabama's noblest and worthiest sons. Although dead and lost to us, we, Mr. Speaker, have a pleasing consolation in the assurance, that he has not died "unwept, unhonored and unsung." Sung of poets, honored and loved by every admirer of true chivalry, he is wept by a bereaved mother—our beloved Alabama—and when the future historian shall lift, to wield, the unprejudiced pen of destiny in recording the names of our noble dead, methinks he will inscribe, with others, upon the frontispiece of immortality the name of James H. Clanton.

Mr. Duskin said, in substance, that, although he differed from Gen. Clanton in politics, and was, therefore, not so intimately associated with him in his life as other gentlemen of the House had been, yet he had known him well enough to respect him for his bold advocacy of what he believed to be the right, and to honor him for his many shining virtues. He had not intended, to do more than give his hearty indorsement to the remarks of the gentlemen who had preceded him, but this much he would add: The genuine honesty and integrity of Clanton's character was such that he never suspected dishonesty in others. It, therefore, happened that he questioned the motives of no antagonist, but gave full faith and credit to the sincerity of the convictions of all. But when he found a rascal, he hated him with an implacable hatred, a hatred which knew neither abatement nor forgiveness. So pure was he himself in this respect that he could not look upon the sins of others with the least degree of tolerance. He was a man of whom his friends had just cause to be proud, and to whose memory it was right and proper that some such tribute as that offered by the resolutions of the Committee, should be paid by his bereaved fellow-citizens. Gen. Clanton had loved Alabama, and the speaker, as an Alabamian, claimed the right to share in this tribute to his memory

Mr. Smith, of Sumter, said:

*Mr. Speaker*—The objects of the resolutions are such as to touch the sympathies and hearts of every true Alabamian.

One of our prominent, and leading citizens has been taken from us, in the very prime of his manhood and usefulness, not by the ordinary dispensation of Providence, but by the hand of a murderer. Gen. Clanton was singularly devoted to Alabama. Whenever her interests or honor were involved, he was ever ready to defend her, without estimating the personal consequences to himself. The points of his character were marked and well defined. Of a quick and susceptible temperament, accompanied with an invincible resolution, his attachments, when once formed, were strong; and amongst the strongest attachments of his life was his devotion to the State of Alabama. All great reforms in life seem to be effected at the cost of great sacrifices. This, sir, is an evil day for Alabama; she has been beset by untoward troubles and difficulties, and she found a friend, in one of her best and bravest citizens, whose martyred blood attests his patriotism and devotion to his beloved State.

Gen. Clanton was on a mission of the first importance to the State when he lost

his life. His name must ever be dear to the State he served so well and faithfully. Although he has gone from our midst, we will ever recur with pleasure to his many noble traits of character; and every true Alabamian will cherish his memory. Mr. Speaker, the few brief remarks I have made, but feebly indicate the estimation in which Gen. Clanton is held by those whom I have the honor to represent, in part, on this floor.

Mr. Bullock said:

*Mr. Speaker*—I can not suffer this occasion to pass without expressing the emotions awakened in the hearts of those, in common with myself, whom I have the honor to represent on this floor, at the sad event which we so much deplore—the death of Gen. James H. Clanton. If I should here, sir, attempt to do justice to his virtues, I would feel that words would be inadequate to perform that duty. Therefore, it will not be my object to pronounce an eulogium upon his character. As to his faults, I may merely say:

When cold in the grave lies the friend thou hast loved,  
Be his faults and his foibles forgot by thee then;  
And if from his slumbers the veil be removed,  
Weep o'er them in silence and close it again.

It is more, sir, to give expression to the sentiments of love for his person and admiration of his character, entertained by the people of Alabama, particularly of those of my county, with whose sentiments I am familiar, than to pronounce encomiums upon his virtues, that I address the House. Truly, the people throughout the entire borders of the State weep tears of bitterness and sorrow at his loss; none will mingle those tears more freely over the grave of Alabama's most unselfish and patriotic son than the people of the county of Greene. They loved, honored and admired him, as a true type of Southern manhood. The beautiful and the fair will do honor to his memory, for he was woman's defender. The thoughts of her doubtless nerved his arm in the fierce conflicts of war, and caused him to make a bulwark of his breast to hurl back the minions of tyranny as they came to devastate the hearthstone where woman was a deity. Nobly he defended the weak and defenseless—nobly, in her darkest hours, he defended the honor, too, of his beloved Alabama.

But it was not as a soldier that Gen. Clanton so eminently deserved and commanded the love and affection of the people of the State. His chivalric conduct and his exalted patriotism, his unselfish devotion to his country in the late war, has obtained for him a name upon which will rest an imperishable radiance; but in the services which he has rendered the State since the war, in the exclusive and entire devotion of himself to her welfare and prosperity, and in the partially successful effort to relieve her from the political embarrassments in which she was placed by the political events since that time, are really more deserving of the gratitude of the people of Alabama. It was to the accomplishment of these great and noble objects, without regard to personal considerations, that General Clanton so largely contributed, and this should more endear him to the people. It is true, sir, he was willing to pour out his heart's best blood like water on the red fields of war, but it was in the tumult and strife of the political struggles that his conduct and actions shone so conspicuously. It is on this account that we so much feel his loss. From Tennessee to the Gulf—from the red waters of the Chattahoochee to the dark waters of the Bigby—a whole people are in tears, mingling their sorrows over his grave, and decking it with flowers of immortality. Gently rest his noble dust beneath the soil of his State. His virtues will live in the affections of the people of Alabama as long as "the eye can see or the tongue can speak them."

The question then occurring on the adoption of the resolutions reported from the Special Committee by Mr. Lowe, they were unanimously adopted. And thereupon the Speaker announced the adjournment of the House until to-morrow morning, ten o'clock.

The Representative Chamber was draped in mourning on account of Gen. Clanton's death. It may be added here, that the press throughout the country testified to the heroic qualities and personal merit of the deceased soldier and statesman.

As a part of the memoir of Gen. Clanton, certain official proceedings have been included as a simple act of justice to his memory. The particulars of the killing are thus given by the *Knoxville Free Press and Herald*, of September 29, 1871:

The fearful tragedy of Wednesday evening was the subject of universal comment among our citizens yesterday. Men talked with each other of the terrible affray, and regretted its occurrence. Though neither of the actors were residents in our community, and the subject of their quarrel was a personal difference, yet it was felt that the odium of the homicide would be reflected upon Knoxville, and the failure of the authorities to promptly arrest the murderer was a stigma upon the fair fame of our city.

Though the dead man had been a General in the Confederate service, and his slayer a Colonel in the Federal army, men felt relieved to know that politics had nothing to do with the matter, and the tragedy was not a repetition of the scenes of five and six years ago.

Those who had come to our city from Chattanooga to take part in the proceedings in the United States Court, in the case of the Alabama & Chattanooga Railroad, felt relieved when the Coroner's inquest developed the fact, that nothing that had transpired in connection with that, had anything to do with bringing on the fatal difficulty.

Yet, while these various classes of our community found cause to congratulate each other, the bitter fact remains, that the deed was done in open daylight, in the presence of a dozen witnesses, and the perpetrator allowed to escape.

Many different accounts were in circulation Wednesday evening of the manner in which the tragedy occurred, and during the excitement, it was impossible to arrive at a correct version of the affair. During yesterday, however, we made every effort, by hearing the statements of the different witnesses of the tragedy, to arrive at a correct account of the bloody deed, and give the following as being as near the true one as possible to obtain:

When Clanton and Nelson were introduced, on the sidewalk, on the north side of Cumberland, above Gay street, Clanton, after the interchange of a few pleasant greetings, remarked that he "had now got through his law business, and was ready to see the town."

Nelson said: "I can take you where there is something very nice, if you are not afraid."

Clanton said, pleasantly: "Do I look as if I was afraid?"

Nelson replied: "I do not know whether you are or not."

Gen. Clanton replied: "I am not afraid of anything or any man."

Nelson again repeated, "I do not know whether you are or not," in a manner which Clanton seemed to think insulting, and he retorted:

"If you think I am, try me; name your friend, time and place—any time or any place."

Nelson, very excitedly, said: "This time and place is as good as any."

This conversation took place on the sidewalk, in the presence of six or eight gentlemen, both parties talking rather loudly. Nelson had his hand in his right side pants' pocket.

After Nelson made the last remark, above quoted, Clanton stepped out into the street. Facing toward the sidewalk, he said to Mr. Fort: "Step off the ground for your friend."

In the meantime, Nelson ran into the St. Nicholas Saloon, and tried to borrow a pistol from a gentleman then in there. He had nothing of the sort, and said so. Nelson then said to another gentleman: "I want my gun—where is it?" He was informed that he could not get his gun—it was in the office of one of the

stores on Gay street, the rear of which opens into an enclosed yard, used in common by several. Nelson dashed away from the gentleman, however, got into the store, and demanded again that his gun be brought to him. He was told that he could not get it, but seeing it in one corner, where it had probably been standing for some time, he seized it and rushed out the back door. As he went out, efforts were made by two men to stop him, but being of superior strength and filled with passion, he shoved them off, and ran out of the store. Such is the statement of the gentlemen themselves. In the yard, he was caught by a young man, who attempted to stop him, but Nelson clubbed his gun on him, and drove him. He then ran through the saloon and out on Cumberland street.

From the statements of three witnesses, we gather that, when Nelson stepped out on the pavement, he was partly hid by several beer kegs, an awning post, and a lamp post. He took deliberate aim, resting his gun against the awning post. At that moment, Clanton seems to have seen him. As we stated before, Clanton had been facing the sidewalk, with his hands up in front of him. When he saw Nelson, he turned around to face him, put his hand back to draw his pistol, and at that moment, Nelson fired. It is now believed that this load struck Clanton on the right shoulder, breaking his arm, for when he drew his pistol, he was seen to put his left hand under his right, as if to hold it up, and was gradually sinking down, when his pistol went off, the bullet striking the curbstone about fifteen feet ahead. Nelson then fired a second shot, the slugs of which lodged in the plaster of the Lamar House, from where fifteen were afterward dug out. Clanton sank down dead, and was removed, as described in our yesterday's issue.

Nelson, after firing the second shot, ran back through the saloon, went through a store, and came out on Gay street; went up Gay to Church street, in a fast walk, turned up Church, and started to run. Several parties who saw him say he was carrying a pistol in his hand.

Nelson then went to his father's house, on West Cumberland street, told what he had done, and seemed much excited. His father advised him to submit to the authorities, and take the consequence of his own conduct, rather than become a fugitive from justice. He remained at his father's house about fifteen minutes, and it was not known to his father that he had left the place, until he was told that some one had brought him a horse, and that he had gone out on the Kingston road.

The fugitive stopped at several places along the road and told what he had done. He stopped at Concord, and talked with parties there, told what he had done, and, it is said, got on the down passenger train, the same on which the remains of Gen. Clanton were carried South, and went on, but where, it is not known. This last statement, however, though believed, lacks confirmation.

Up to six o'clock last evening, we heard of no extraordinary effort to arrest Nelson.

In explanation of the serious turn so sadly given to a seemingly trivial conversation, this very plausible suggestion has been made by persons well acquainted with the character of Gen. Clanton, and the circumstances surrounding him: Gen. Clanton had had several difficulties with the adherents of the Stanton since his connection with the Alabama and Chattanooga Railroad, and he had been going armed in anticipation of further trouble. During the forenoon of Wednesday, he had made a very caustic speech in the Federal Court against the Stanton party, handling them without gloves. He had reason to apprehend an attack from some of the party. Col. Fort, who introduced Col. Nelson to him, was one of the attorneys on the Stanton side of the case, though friendly with Clanton. It is thought that when Nelson showed signs of irritability, the idea must have entered Clanton's mind that it was a manoeuvre to inveigle him into a difficulty, and, being brave under all circumstances, he determined to meet the issue then and there. It is believed that he must have thought (however erroneously) that the Stanton business was at the bottom of the difficulty.

THE CORONER'S INQUEST.—The Coroner's Jury, empaneled to inquire into the cause of the death of Gen. J. H. Clanton, on Wednesday evening, and who caused it, rendered the following verdict:

## STATE OF TENNESSEE, KNOX COUNTY.

An inquisition—holden at the Lamar House in Knoxville, in the county and State aforesaid, on the 27th day of September, 1871, before I. P. Alley, upon the body of James H. Clanton, there lying dead—by the jurors whose names are hereto subscribed, who upon their oath do say, that James H. Clanton was killed on the 27th day of September, 1871, by a gun shot fired by David M. Nelson. The weapon a double-barreled shot-gun, and by unlawful means.

James H. Renshaw, A. C. E. Callen, John Crowley, I. N. Hacker, J. A. Brakebill, E. W. Adkins, W. R. McBath.

I. P. ALLEY,  
Coroner for Knox County.

KNOXVILLE, September 28, 1871.

ADDITIONAL SKETCH.—Since the death of Gen. Clanton, the author has obtained further particulars respecting his early life and adventures, and also his service in the Confederate army.

He was born in Columbia county, Georgia, January 8, 1827, and was brought by his father to Alabama in 1836. Abandoning his course of studies in the State University in 1846, he volunteered in the Mexican war, and joined the army of Gen. Taylor on the Rio Grande. He returned home a short time, and left for Mexico with the "Palmetto Regiment" from South Carolina, in 1847. In 1851, he connected himself with the Lopez expedition against Cuba, and at New Orleans was elected Lieutenant-Colonel of an Alabama and Louisiana regiment, of which Robert Wheat was Colonel.

He was Captain in the army of the Confederate States in 1861; Colonel in 1862; Brigadier-General in 1863, and Major-General in 1864; was Chief of Cavalry, and ranking cavalry officer at the battle of Shiloh. In leading the charge of his regiment, (1st Alabama Cavalry) at Booneville, in July, 1862, his sword was struck, and his uniform pierced, by the bullets of the enemy. All the members of his staff, but one, were killed and captured while opposing Rosseau's raid in the Summer of 1863. His horse was killed under him in the Spring of 1864, near Pollard, while fighting the Pensacola raid. Gen. Clanton was shot through the body with a pistol and left as mortally wounded, and was captured on the field, fighting Canby's advance on Mobile and Pollard in the Winter of 1864.

In his own words, he never asked a man to vote for him, nor ever announced himself a candidate for any position—and he had many—nor was he ever beaten for any position.

Gen. Clanton left a widow, Mrs. Parthenia Clanton, and three sons—the eldest, James Abercrombie, twelve years of age—the second, Thomas Watts, aged ten, and the youngest, Holt, aged seven years. The Legislature, in voting compensation for his professional services to the State, has made a just provision for his family. A splendid monument is to be erected to his memory by public contribution.

TRIBUTE TO GEN. J. H. CLANTON.—In the Democratic State Convention of Alabama, on Wednesday, June 19, 1872, immediately after its permanent organization and appointment of the business committees, Hon. T. J. Judge, Chairman of the State Executive Committee, with a few eloquent prefatory remarks, offered the following resolutions, which were adopted by a rising vote:

It is proper that a tribute should be paid to the memory of those who have rendered signal services to their country.

That Gen. James H. Clanton was eminently entitled to this distinction is universally conceded. From his youth up to the moment of his death, he responded, with alacrity, to every appeal which was made by the country upon her citizens. As a soldier, he was as brave as the bravest: but there were thousands like him. It is not then to him, as a soldier, we offer this tribute. When war ceased to exist, when the cause which he loved so well was lost, when the whole people were clothed in the drapery of mourning, when the fair promises of victors were transformed to the bloody decrees of tyrants, when the very hearts of our people were almost ground to dust by the iron heel of despotism; and when even hope itself had almost gone, it was then that the voice of Gen. Clanton was heard calling upon the people to arouse from their lethargy; to shake off the dew drops that glittered on their garments—and, to make one bold, determined effort to rescue the State from the vandals who had taken possession of it.

Most nobly was that appeal responded to by the people. His spirit became the spirit of the people, and the redemption of the State from the hordes of ruthless invaders was the result of the conflict he inaugurated. This is the monument which he has erected to his own memory, and upon it should a grateful people heap their garlands.

*Be it therefore resolved,* That we, the people of Alabama, whom, living he loved so well and served so faithfully, look back with gratitude and pride upon the brilliant career of our late fellow-citizen, James H. Clanton, in whose untimely death we mourn a tried and affectionate friend, while the State has lost a distinguished, talented, and devoted son, and the whole country an upright man, a good citizen, and an ardent patriot.

*Resolved,* That in all the acts of his life he exhibited the qualities which have ever secured the esteem and admiration of mankind: a heart pulsating to every generous prompting of duty and affection; a mind quick to conceive the noblest thoughts; a hand ready and able to execute the most daring purposes; a courage that never faltered; a devotion to duty into which no considerations of self entered; unlimited generosity in thought and act; and a patriotism that grew with his years and ripened with his strength.

*Resolved,* That we cherish his memory as a sacred legacy, and commend his example to the youth of our country.

*Resolved,* That the President of this Convention be requested to transmit a copy of the foregoing preamble and resolutions to the widow of the deceased, and to convey to her the assurance of our sympathy and grief at her irreparable loss.

THOS. J. JUDGE,  
Chairman Executive Committee.

## CHAPTER XXXVI.

*Elections, 1856—Legislature, 1857—Inauguration of Gov. Moore—Candidates and Members Sketched.*

During the session of the General Assembly, 1855-'6, a Convention of the Democratic Anti-Know-Nothing party was held at the Capitol, for organization preparatory to the Presidential contest of 1856. Col. Felix G. Norman was President. In the course of its deliberations, a question arose as to what was to be done with the appendage *Anti-Know-Nothing*, which the party had recognized and used in the past year, and upon which not a few Whigs were in the Convention as delegates, and in the Legislature as members. To send delegates to the National Democratic Convention with it tacked on, was considered out of taste, as the National organization would recognize but one title or name—that of *Democratic* (or Democrats). And then the important accessions to the organization from the Whig party were not on account of any change of opinion in relation to old parties, but on this one point only; and some of these gentlemen in the Convention declared that they would withdraw, if the appendage was taken off. So they determined that, in the State organization, it should remain, and leave the National party name to be determined at Cincinnati.

In the contest of 1856, the parties were known as Democratic and American, with Mr. Buchanan and Mr. Fillmore as the representative standard-bearers. The strong men of each party were upon the Electoral ticket, and on the stump, and there was an able and spirited canvass. The vote of the State was larger than ever before—75,291—of which Mr. Buchanan received 46,739, and Mr. Fillmore 28,552.

In the month of June, 1857, was held the Convention to nominate a candidate for Governor, to succeed Gov. Winston. There were several gentlemen whose claims were strongly urged by their friends, with a strong primary effort. Judge A. B. Moore, Col. Cochran, Judge John E. Moore, and Major Hubbard, were the prominent men brought before the Convention for the honor. The contest was long—the ballotings continued two or three days—the friends of each devoted to the success of their man. Judge A. B. Moore, of Perry, was at last nominated, and in August, was elected without opposition.

The Congressional elections resulted in favor of the Democratic party, except in one District, as the following statement will show :

First District, James A. Stallworth;  
Second District, Eli S. Shorter;  
Third District, James F. Dowdell;  
Fourth District, William R. Smith;  
Fifth District, George S. Houston;  
Sixth District, Williamson R. W. Cobb;  
Seventh District, *Jabez L. M. Curry.*

MR. CURRY was first elected to the House from Talladega in 1847, a young man but lately returned from college, and the Law School at Cambridge. His elementary training and literary advantages had been ample, and these, with a mind of no ordinary force, caused him to be looked upon as one of the rising young men of his day. He was again elected in 1853, and took a leading part among the talented young men of the House. He was made Chairman of the Committee on Internal Improvement, a very important one at that time, and was thus thrown into the front rank upon all questions of that character introduced and referred; though Mr. Curry was prudent, and seldom occupied the floor, except in explanation, and then was brief and pointed in his remarks, so as not to tax the patience of the House. He made but one set speech at the session, and that was at the request, or suggestion of his friends, and in it he displayed abilities, knowledge, and eloquence that stamped him as one of the first men of the House.

In 1855, he was again elected, and continued in his former position on Committee; and with increased age and experience, he developed those rare powers which pointed him out in public estimation, for a wider field, and a more exalted position. In 1856, he was on the Electoral ticket for Buchanan and Breckinridge. In 1857, Mr. Harris, the late member, having died, Mr. Curry was unanimously nominated, and elected his successor from the Seventh District, and in 1859, he was reelected, without opposition, for another term, and was one of the members of Congress from Alabama when they withdrew from its Halls upon the secession of the State.

In 1860, Gov. Moore appointed him Commissioner to the State of Maryland, to "counsel and advise with the Governor and Legislature as to what is best to be done to protect the rights and the honor of the slaveholding States," etc., and he proceeded at once to Annapolis in discharge of that duty, and submitted an able communication to the Executive, intended also for the Legislature, to be found in Smith's Debates of the Convention of 1861.

Mr. Curry was elected one of the deputies to the Provisional Congress, at Montgomery, which formed the Constitution, and inaugurated the Government of the Confederate States, and took an active part in its proceedings. In 1861, he was elected by the people to a seat in the Congress at Richmond. In 1863, he was a candidate for reelection, but was defeated by Marcus H. Cruikshanks, Esq., of Talladega. At the meeting of the Legislature in November of that year, his claims were canvassed for the Confederate States Senate, in opposition to the Hon. C. C. Clay, Jr., but without success. He entered the military service, and was at the fight and taking of Selma, in which he was said to have displayed much heroic daring.

The result of the war opened a new field for Mr. Curry, congenial with his tastes, and in harmony with his convictions of duty, no doubt long entertained, and promotive of the public good. Embracing the Christian religion when young, he lived an exemplary and useful member of the Baptist Church, was actively connected with its entire organization, and, of course, occupied a leading position in its councils. He is now a minister of that Church, exercising his eminent abilities and influence, without ostentation, for the happiness of his fellow-men. Within the last few years, he was elected President of Mercer University, at Macon, Georgia, which position he declined to accept, and is now the pastor of a Baptist Church, in Richmond, Virginia.

It were needless, after making up such a record of a gentleman who has barely attained the meridian of life, to say much of the great natural endowments and rare culture of Mr. Curry, as exhibited in the forum, and in the pulpit. Small in person, and unpretending in his manner, he has never failed to impress his audiences with the strength of his logic, and the power of his eloquence. The future display of his vast intellectual resources may not have so much of the vim and fire of his earlier days, in public discussion; but the loss in this respect will be compensated by the maturity and compactness of thought and feeling, under the control of a judgment improved by experience.

In early life Mr. Curry married Miss Bowie, an excellent lady, who died about the termination of the war. She was the accomplished daughter of the late Chancellor Bowie. His second marriage was with Miss Thomas, a lady of Richmond. He was born in Lincoln county, Georgia. His father, the late Col. William Curry, of Talladega county, a gentleman of large wealth and solidity of character, removed to Alabama during his son's minority.

It may be proper to add, as a public recognition of the talents and moral force of Mr. Curry soon after he entered Congress, that his portrait, with a sketch of his life and character, appeared in "Harper's Weekly," as among the distinguished men of the

country. Compliments from such a quarter to a Southern man before the war, were to be prized as wholly impartial, and dictated by a spirit of fairness and justice.

#### THE LEGISLATURE.

The general election in August, 1857, returned a majority of Democrats in both branches. The General Assembly met on the 9th November, 1857—members generally in attendance. In the House, Gen. Crawford M. Jackson, of Autauga, was elected Speaker; Albert Elmore, Principal Clerk; W. M. Hames, Assistant Clerk; C. C. Corden, Engrossing Clerk; and J. Gibson, Door-Keeper.

Gen. Jackson, the Speaker, has been noticed elsewhere; but it is only just to say that this distinction was well merited. He had long been connected with the legislation of the State; was well acquainted with political history, and was proficient in parliamentary law, and ready and prompt in its administration. His educational advantages, reading, and knowledge of men and things, assisted in fitting him for the place. His claims to this position had been postponed with his cheerful assent, as subservient to other claims and interests which his previous election might have embarrassed, and he readily yielded for the sake of his friends. His speech upon the adjournment *sine die* was in fine taste, and in terse language expressed the feelings of his warm and generous heart. It may be seen on the Journal of the House.

In the Senate, the Hon. James M. Calhoun was unanimously elected President; Joseph Phelan, Secretary; P. H. Brittan, Assistant Secretary; and W. J. B. Padgett, Door-Keeper.

Many gentlemen prominent in one or the other branch at the last session, were not members in 1857, having retired, or been transferred to new positions. Others, however, had come forward, and each House presented a respectable grade of talent, with much experience and weight of character. In the Senate, there was the accession of Messrs. Calhoun, Bullock, Crawford, and others; and in the House, of Messrs. W. G. Jones of Mobile, Martin of Talladega, Bulger of Tallapoosa, Irby and Mabry of Dallas, and many others; constituting altogether a Legislature of moral and intellectual worth—a credit to the State.

Gov. Winston's message was delivered on Tuesday, which was read, and 5,000 copies ordered to be printed. It fills about thirteen pages of the Journal. Like all his other State papers, it is brief, bold, pointed and vigorous. The last paragraph is the following:

I know of no important measure of legislation that will be required at your hands, which will long detain you from the enjoyment of the more pleasant rela-

tions of private life. In a few days my connection with the legislation of the State will come to a close. It has been my fortune, in much of the legislation of the last four years, to differ with the legislative department. I endeavored to discharge my duty to the people of Alabama conscientiously, and have yet seen no cause to believe my course was injurious to the general welfare. With a lasting sense of gratitude to the people of the State, for the kindness and confidence they have ever extended to me, I shall retire from the obligations of official position.

His administration being thus closed, it may be proper to say that Gov. Winston, as will be seen by his vetoes, had a way of his own; always firm, if not always courteous; which led to unpleasant relations with the General Assembly. This remark is especially applicable to the session of 1855, when he stood up and battled against an overwhelming majority of both Houses upon many important questions of public policy, of interest to the State. That he was entirely free from error in all his vetoes, I will not undertake to say; but that he was adhering faithfully to his avowed sentiments before the people, and which were well understood in his triumphant election twice to the Chief Magistracy, there can be no doubt; and while his vetoes were, in many instances, overriden by a constitutional majority in both Houses, the interposition of the veto doubtless prevented much legislation that was useless, or would have been hurtful to the State; and his administration will stand, with his messages, a monument of Executive devotion to the interests of the people.

The Legislature was an independent, coördinate department of the Government, and in defending the rectitude of Gov. Winston's course, it is not my intention to condemn the others. They represented interests committed to their hands, and had responsibilities as well as he, and they were alike answerable to their constituents. But the moral heroism of the occasion and the contest is with the Governor. He contended single-handed against a formidable majority in both branches of the Legislature, which included much of character, experience and mind. With many of them he had been connected in public life, and many of them were his friends and supporters at the polls, and, no doubt, he would have preferred to be in accord with them in the discharge of his official duties. But when it became necessary to maintain his position, he separated from them, and stood pretty much by himself in this controversy, so far as the Legislature is concerned.

#### VOTE FOR GOVERNOR.

The two Houses having convened in the Representative Hall, the votes for Governor were examined and announced:

|                          |        |
|--------------------------|--------|
| For Andrew B. Moore..... | 41,847 |
| Scattering.....          | 2,447  |

Proclamation having been duly made that Andrew B. Moore was elected Governor of Alabama for the term prescribed by the Constitution, and a Joint Committee having waited on that gentleman with a notice of the fact, and another Committee having made all suitable arrangements, the ceremonies of inauguration took place at the Capitol, on the 1st of December, 1857, in presence of a large concourse of his fellow-citizens, including much of the beauty and fashion of the State in the fair sex.

TWO AND THREE PER CENT. FUNDS.

Probably no one subject has cost so much labor in the examination, and so much writing by the Clerks in copying the reports and tables, in the Legislature, as the donation by the General Government of a certain per centum on the sale of public lands in Alabama, as will be seen by the following extract:

The third proposition in the sixth section of the act passed by the Congress of the United States on the 2d day of March, 1819, "To enable the people of Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union," is as follows: "That five per cent. of the net proceeds of the public lands lying within said territory, and which shall be sold by Congress from and after the 1st day of September, in the year 1819, and after deducting all expenses incident to the same, shall be reserved for making public roads and canals, and improving the navigation of rivers, of which three-fifths shall be applied to those objects within the State, under the direction of the Legislature thereof; and two-fifths in the making of a road or roads leading to said State, under the direction of Congress."

A Joint Committee was raised to take charge of the whole subject, and to ascertain what sums had been received from the General Government, and what disposition had been made of them, from time to time, and the present condition of the fund. The labors of the Committee were thorough and searching, as appears from the report made by Mr. John S. Storrs, Chairman on the part of the Senate, and Mr. R. N. Walden, Chairman on the part of the House. The items were given in detail, with dates and payments, which may be condensed, as showing the aggregate of the three per cent:

|                                    |                     |
|------------------------------------|---------------------|
| Paid to State Bank up to 1841..... | \$353,831.99        |
| Paid since, and up to 1857.....    | 236,353.04          |
| Dividends in bank to 1834.....     | 104,853.30          |
| Total.....                         | <u>\$695,043.33</u> |

Since 1834, when taxation ceased, and the Banks paid the expenses of the Government, the dividends on this fund have been placed to the credit of the sinking fund, and loans and expendi-

tures have been made under this title. The amount of the three per cent. fund in 1857, unappropriated, was \$287,125.58. In the meantime, advances had been made to certain railroads, to the amount of \$111,511.50, for which certificates of stock have been issued to the State.

By act of Congress of 4th of September, 1841, the two per cent. fund was relinquished to the State on the terms and conditions that "the whole of the said two per cent. fund shall be faithfully applied, under the direction of the Legislature of Alabama, to the connection, by some means of internal improvement, of the navigable waters of the Bay of Mobile with the Tennessee River, and to the construction of a continuous line of Internal improvement from a point on the Chattahoochee River opposite West-Point, in Georgia, across the State of Alabama, in a direction to Jackson, in the State of Mississippi."

|   |              |
|---|--------------|
| The whole amount received, as constituting this fund, |              |
| principal and interest, to 1857, is.....              | \$481,227.88 |
| Loans and expenditures to 1857.....                   | 434,870.40   |
|   | <hr/>        |
| Balance in the Treasury.....                          | \$ 46,357.48 |

This matter of the two and three per cent. funds had more or less wasted the time of the Legislature for thirty years, and the cost of delay, and printing reports and bills, and in printing the Journals, the expenses of clerk hire to make the examinations, and the expenses of agents in various ways, have all cost the State probably half the entire value of the funds. It had reached such a point of annoyance, that it was next to impossible to get a bill through with a single appropriation of any part of it for one object, and so it became subject to combinations for mutual interest to different localities, in bills known, in parliamentary phrase, as *Omnibus bills*, and in this way, in 1859-'60, it had passed from the control of the Legislature.

#### JUDICIAL ELECTIONS.

Chancellor Clark was reëlected over G. L. Nabors, of Pickens county.

MR. NABORS was a member in 1855, and was again returned in 1857—intelligent and attentive to business. He was afterward appointed by Mr. Buchanan a Judge of the United States Court in one of the Western Territories, perhaps New Mexico, which, for some cause, he declined. For a number of years, he filled the office of Judge of Probate, and still resides in Pickens county.

GEN. CULLEN A. BATTLE, of Macon county, was defeated in a contest for Solicitor of the Ninth Circuit, by Judge Woodward, upon a close vote.

Gen. Battle was a Georgian, a son of Dr. Cullen Battle, a gentleman of wealth and intelligence, who settled in Barbour county as a planter at an early day. The son had established himself at the bar in Macon county, and when hostilities broke out in 1861, he entered the service of the Confederate States, in which he was promoted to the rank of Brigadier-General.

## SENATORS.

Among the new Senators, and those of more experience in public life, who served at the session of 1857, and not hitherto specially mentioned, are the following gentlemen:

NOAH ALFRED AGEE, of the town of Claiborne, was elected to the Senate in 1857, from the district composed of Monroe, Clarke, and Baldwin counties. He was a member of the House in 1853, and acted his part well in the walks of legislation. He is a native Alabamian, and graduated at the University in the class of 1845.

He was made Chairman of the Committee on Education, and filled his place well, not only in this, but in all other respects as a Senator. He served through the session with increased efficiency, from the development of his faculties and enlarged experience. His deportment was good, with fine social qualities; and although somewhat reserved, he was still an agreeable companion. He continues to reside at Claiborne, in the practice of the law.

EDWARD C. BULLOCK, of Barbour, came into the Senate as a member for the first time, in 1857. He was raised and educated in Charleston, South Carolina, but had resided some years in Eufaula, where he practiced his profession as a lawyer, and edited a newspaper. He brought into public life a great deal of character; and his bearing as a gentleman, and ability as a lawyer and legislator, soon placed him in the front rank of Senators.

He was made Chairman of the Committee on the Judiciary, in which position he displayed industry, and business tact and knowledge. In 1859, he was again placed at the head of that Committee, with the increased strength of experience and legislative ability, which gave him a controlling influence, not only in the Senate, but also in the House, and throughout the circle of his acquaintance. He was affable and courteous in his deportment and address. His speeches in the Senate were not labored efforts, but were explanatory and in reply. Simplicity, clearness and force seemed to be the ruling object of his remarks, in which he was highly successful.

Mr. Bullock was closely allied, in consultation and in action, with the events which resulted in the secession of Alabama. He

was a very prominent member of the State Convention that sent delegates to Charleston, in 1860, and was active in its proceedings, and in passing the platform resolutions. When the State seceded, he was appointed by Gov. Moore a Commissioner to Florida, to consult with the authorities there on the common interest of the cotton States. That duty he performed with his usual ability.

Soon thereafter, he entered the Confederate service at Pensacola, and was made Colonel of a regiment; but his health, feeble at first, doubtless the result of years of close application and study, soon gave way from the exposures of a camp life, and in 1862, he died.

Few men who occupied public position in Alabama have, within so short a time, made a more decided impression, or took in a larger range of respect and influence than did Col. Bullock. His death was generally regretted as a loss to the country, and especially of the State which was proud of him. The first Legislature after the war, named a new county in honor of his memory, which embraces within its limits some of the finest lands, and best citizens of the State. Col. Richard H. Powell, of Union Springs, the Senator from Macon, is entitled to the credit of inaugurating this project which perpetuates the name of Bullock.

OAKLEY H. BYNUM, of Lawrence, was first elected to the House in 1839, a young man, and was again elected in 1849. In the early part of the latter session he was attacked with fever, which prevented him from sharing in the labors of the House. In 1857, he was elected to the Senate, and with vigilance and fidelity he served through his term of four years, often participating in the debates, in which he exhibited wit, and was happy in his retorts upon the floor. Col. Bynum was a member of the National Convention at Baltimore, in 1860, and supported Mr. Douglas for the Presidency. He was an opulent planter.

DANIEL CRAWFORD, of Coosa, made his first appearance in the House in 1847, and served with industry and credit on the Committee of Ways and Means, and, although a new member, assisted in getting up the revenue bill of that year, which, a little unpopular at the time, contributed to the preservation of the faith of the State. In 1857, he was returned to the Senate, and served a session, bringing to the discharge of duty a good judgment, and much reading and reflection.

In 1865, he was elected a delegate to the State Convention that formed the Constitution of that year, and rendered good service in the deliberations of that body, on Committees and in council. He is no public speaker, at which I am not a little surprised, that a gentleman who converses well, and intelligently, reasons logi-

cally, and seldom fails to make out a case with clearness, can not get up and say publicly, in the form of a speech, what he can express so admirably in conversation. Mr. Crawford, however, is not the only gentleman I have known who labored under this disability.

Few men in the State are more deservedly respected; few illustrate more fully, in fitness for public trusts, the injustice of the Fourteenth Amendment; and yet, with his mature capacity and character for usefulness in public life, few men have less thirst for its honors and employments, or are more wedded to private station than Mr. Crawford. He is a native of South Carolina, but came to Alabama when a young man, and became, by well directed energies, the architect of his own fortune.

ROBERT S. HEFFLIN, of Randolph, is a Georgian, and, in 1849, was elected to the House, following his father in the same relation by four years. Under the old organization he was allied fully with the Democratic party. In 1859, he was elected to the Senate, as the successor of Mr. Henry M. Gay, a modest, worthy gentleman, who represented his constituents honestly for a term, and died a few years ago.

Mr. Hefflin's service in the Senate extended through six years. In the elections of 1860, he supported Mr. Douglas as the representative of the National party. During the war his relations became complicated with the Confederate Government, and he felt justified, in self-defense, in a transfer across the line.

After the surrender, he was appointed by Provisional Governor Parsons, Judge of the Probate Court, and in 1868, he was upon the Grant Electoral ticket. In 1869, he was the nominee of the Republican party for Congress, got the return certificate, and served through his term, just now expired.

Mr. Hefflin's life has been chequered by various political shades and relations. It is not my province or desire to criticise or to pass judgment in such cases on public men. Many of their acts, in junctures of peculiar trial, however much we may regret and disapprove them, should be forgotten, and the waves of time be allowed to roll over them with obliterating effect upon whatever of error or mistake they involve. My personal and official connection with Mr. Hefflin, many years ago, was friendly and agreeable. He was true, straightforward and reliable in his actions. His present affiliations as a politician are his own. Whether for good or for evil, he has the right to determine for himself, even when public opinion assumes the prerogative.

ALLEN C. JONES, a Virginian and a Democrat, was first elected to the House in 1851, which was a little remarkable in that day

of old party organizations, and Greene county having a decided Whig majority. But his success was owing to personal popularity, and to family influences, he having married a daughter of Col. John Erwin, who, for thirty years, was a leading lawyer and politician, of great intellect and force of character. In 1857, Mr. Jones was elected to the Senate from Greene and Marengo, and served through a term of four years, an active and efficient member.

He gave himself to the Confederate service, and had the command of a regiment. His conduct during the war was distinguished for patriotism and courage. Col. Jones still resides in Greene, and is justly considered a high-minded and useful citizen.

S. K. McSPADDEN, of Cherokee, commenced, in 1857, a term of four years, in which he established a respectable character for talents and attention to business. He is a lawyer, and in preparing himself for his profession, he had to struggle with poverty and its depressing influences. When the war called the sons of the South to rally to her standard, he obeyed the summons, and rose to the command of a regiment, and returned home with reputation for gallant service.

In 1865, Col. McSpadden was elected Chancellor of the Northern Division, and continued in the office, performing its duties in a manner satisfactory to the public, until he was superseded by the Reconstruction measures of Congress. He now resides in Cherokee, practicing his profession.

JOHN ROWE, of Tallapoosa, a Georgian, was first elected to the House in 1849, upon the Democratic ticket, and reelected in 1851, as the colleague of Gen. Bulger, on a ticket in opposition to the Compromise measures of Congress. At both sessions, he exhibited a fair degree of ability, and by his general information, he had influence with his fellow-members, and in the political councils of the day.

In 1857, he came to the Senate for a full term, and brought to the discharge of his duties an improved capacity which gained him confidence and respect in that body, in which he proved an efficient co-worker. He had fine social qualities, which rendered him a pleasant *sojourner* in the offices of the Capitol during periods of relaxation. He had read much, and was well versed on political and other questions, and, while modest and unpretending, he could impart information to his fellow-members, which was always gladly received.

Though somewhat cautious in making professions, Mr. Rowe was true and unwavering in his personal friendships. His course, public and private, was directed by strong convictions of duty.

He settled in the county at an early day, where he still resides, in the possession of a large property, acquired by industry and prudent management.

## REPRESENTATIVES.

In the House, a number of gentlemen served for the first time at the session of 1857, with many of experience in legislation.

MICHAEL J. BULGER was born in South Carolina, and came to Alabama when seventeen years of age. He first stopped in Montgomery county, where he remained until 1834, when he removed to Coosa county and settled at Nixburg, and in 1838 changed his residence to Tallapoosa, his present home.

He is a man of marked individuality of character, as shown in all the antagonism of public and private relations, with decision and firmness stamped upon his face, which would attract notice in any crowd of men. These qualities were manifest in the Legislature, where, in 1851, he first took his seat in the House as a Southern Rights Democrat. He was again elected in 1857, and always took a leading part in support of what he conceived to be right principles, and resisting wrong and oppression at every turn. He would *fillibuster* the House for a day and night to defeat a measure which he was satisfied in his mind was unjust or oppressive in its character, or the manner of carrying it through was objectionable. He well understood parliamentary law, especially that part which was of use to a minority, and, with perfect calmness, he would, by privileged and side motions, direct the action of the House for hours together.

He was elected a Brigadier-General of militia, and held his commission for several years, laboring diligently to infuse and maintain a military spirit among the people. He was appointed by the Democratic State Convention of January, 1860, a delegate to the Charleston Convention, and attended upon its sessions. He withdrew with the delegation from Alabama, and took no further part in any of the proceedings, contenting himself to look on, yet with deep interest in the result of things. In the break-up of the party at home, he adhered to the National organization, and was placed upon the Electoral ticket, and canvassed extensively in support of Mr. Douglas.

A very important period in the life of Gen. Bulger is now approached, and I will try to represent him in his course correctly, without exaggeration or material omission.

Upon the call of a Convention, after Mr. Lincoln was elected President, Gen. Bulger was brought forward by the people of Tallapoosa for, and elected to, a seat in that body. He engaged in its deliberations with a full sense of the responsibility, and in

the early part of the session submitted a preamble and resolutions setting forth his views and defining his position, which may be found in Smith's Debates of the Convention, p. 57. The first two resolutions are in the following words :

1. *Resolved*, That separate State secession, in the present emergency, is unwise and impolitic; and Alabama will not secede without making an effort to secure the coöperation of the Southern States.

2. *Resolved*, That the Convention invite each of the Southern (slave-holding) States to meet the State of Alabama in a Convention of Delegates, equal in number to the several representations in the Congress of the United States, at—— on the day of——, for the purpose of consideration and agreement as to the wrong we suffer in the Union, and the dangers that we are threatened with; and to determine what relief we will demand for the present, and security for the future; and what remedy we will apply if our first demands are not complied with.

These were referred to the Committee of thirteen, who afterward reported the Ordinance of Secession. While the Ordinance was pending, he voted for a proposition to submit it to the people.

He remained in the Convention throughout the whole session, taking part in its proceedings, and assisted in the reorganization of the State Government under the new order of things. His course in the Convention was made the subject of gross misunderstanding, not to say misrepresentation, of his true character, and in August, 1861, he was defeated for the Senate under circumstances mortifying to his friends, who understood his position and principles.

In February, 1862, at the age of fifty-eight years, he volunteered in the Confederate service, and was elected Captain of a company. He was in the seven days' fight before Richmond, and was wounded twice at Cedar Run, while commanding the regiment. He was sent home to recover from his wounds, and was elected to the Senate, and served one session. The next day after the Legislature adjourned, he returned to his regiment in Virginia, and went with his command to Gettysburg. While leading it in battle, he was severely wounded, and left on the field, reported dead. He was captured by the enemy, and remained in prison until March, 1864, when he was exchanged. He immediately repaired to his regiment, of which he remained in command until the day before the evacuation of Richmond.

In the first election for Governor, under the reorganization of the State in 1865, Gen. Bulger, who had the Winter before been brought forward by his friends for the position, stood for an election, and was defeated by Robert M. Patton, of Lauderdale county. In 1866, he was returned to the Senate to fill a vacancy, and served one session, the last under President Johnson's policy of reconstruction. He has firmly opposed, step by step, the measures of Congress for reconstructing the Southern States, and is now hopelessly disfranchised.

The character of Gen. Bulger will fully appear in his record, which speaks for itself. Alabama has no citizen more brave, none more patriotic; and while he has contended with the vicissitudes of fortune, politically, few men have a more consistent record, or stand higher in the estimation of those who knew him, than Michael J. Bulger.

HENRY DE LAMAR CLAYTON was born in Pulaski county, Georgia, March 7, 1827. He is a son of Nelson Clayton, Esq., formerly a member of the Georgia Legislature, who, from 1838, resided near Opelika, Alabama, until his death, December 27, 1869; and who was extensively known for his unbounded liberality and kindness to the soldiers during the late war.

H. D. Clayton was educated at Emory and Henry College, Virginia, where he graduated with distinction in 1848, being awarded the Roberson Prize Medal. He read law with "Shorter & Brother" (Hon. John Gill Shorter and Hon. Eli S. Shorter), in Eufaula, and was admitted to the bar in 1849. In 1850, he married Miss Victoria V. Hunter, a daughter of Gov. John L. Hunter, of Eufaula. He was remarkably attentive to, and successful in, all his business undertakings; so that, at the beginning of the war, he had amassed a respectable fortune.

He was elected to the Legislature in 1857, without opposition, having received the unanimous nomination of his party, and was reelected in 1859. He has always been a Democrat, and in 1860 was a secessionist. He was a member of the House, and Chairman of the Committee on the Military in 1861, when Gov. Moore called for twelve months volunteers to go to Pensacola, to relieve those who had been sent to capture the Navy Yard and Forts Barrancas and McRee. At the instance of the "Clayton Guards" and "Eufaula Rifles," he obtained their acceptance, by Governor Moore, as a part of the force then called for. He had been the Captain of the former, and both of these companies composed a part of the then Third Regiment of the "Alabama Volunteer Corps," of which he was at that time the Colonel. Gov. Moore declined to accept the regiment, although every company in it tendered their services, for the reason that two regiments only being called for, he wished to receive the companies from all parts of the State. The two companies went into camp, at Eufaula, on the 17th day of January, 1861.

Col. Clayton obtained leave of absence from the Legislature, and received instructions from the Governor to bring them together at Montgomery, where, on the 12th of February, they were formally mustered into the military service of the State for twelve months.

Seeing that he could not prevail on the Governor to accept the

regiment, Col. Clayton was himself mustered in as a private in the Clayton Guards. The Governor, finding that he was determined to go, regardless of the appeals that he could not be spared from the Legislature, on the following day sent him a commission as Aid-de-Camp, with instructions to take command of the Alabama volunteers near Pensacola, and organize them into regiments as fast as the required number of companies should arrive. On the organization of the First Alabama Regiment, on the 28th of March, he was elected the Colonel. This was the first regiment of twelve months (or indeed of any kind of) troops received into the Confederate service. Among the privates in this regiment were such men as Hon. John Cochran, Hon. James L. Pugh, Hon. E. C. Bullock, and many others little less distinguished. The faithful and prompt discharge of all the duties of private soldiers by these gentlemen, and the earnest support of the Colonel in the trying ordeal of enforcing discipline, as a soldier, among those with whom he had been accustomed upon terms of equality and familiarity, was in the highest degree complimentary to themselves and to him. They would never allow themselves to be relieved of any duty that fell to their lot, whether on guard, throwing up works, or mounting cannon. Their cheerful compliance with all orders, and the influence which their example exerted in stilling the complaints of others, can only be properly appreciated when it is remembered that the regiment was composed largely of the first gentlemen of the country, who had been suddenly called together in a military camp, in the expectation of a battle, and instead of that, except the battle of Santa Rosa, and the two bombardments, they were kept for nearly a year, digging in the sand among the fleas and mosquitoes of the Gulf coast.

Upon the expiration of the term of service of the regiment, although Col. Clayton was requested by nearly all the officers in it to reorganize it and retain the command, fearing that as it had become so well drilled in heavy artillery, it would be kept upon post and garrison duty, and himself desiring a more active field, he yielded the reorganization of the regiment to Lieut. Colonel Stedman, and, returning home, organized the Thirty-ninth Alabama Regiment. This he commanded in Gen. Bragg's Kentucky campaign, and until after the battle of Murfreesboro. In this battle he was seriously wounded. Here, also, his brother, Captain Joseph C. Clayton, who commanded a company in the same regiment, and was a most estimable Christian gentleman and soldier, was mortally wounded.

On returning to his command, after thirty days of absence, still suffering from his wound, he was surprised by the delivery to him of a commission as Brigadier-General. Gen. Clayton was at once put in command of a brigade composed of the 18th, 36th, 38th,

and 32d and 58th (combined) Alabama Regiments, and assigned to the Division of Major-General A. P. Stewart. It is not necessary to speak here of the part taken by "Clayton's Brigade," in the campaigns and battles that followed. The battles of Chickamauga, Rocky Face Mountain, and New Hope Church, belong to the history of the war, and the conduct of Clayton's Brigade, and its commanding officer, will compose a portion of it. The part he performed in the last named battle, was such as to secure him the additional promotion to the rank of Major-General, and the command of the Division to which he was still attached, on the promotion of Lieutenant-General Stewart.

Gen. Clayton participated in all the subsequent campaigns and battles of the army of Tennessee, up to the surrender of Gen. Johnston, in April, 1865. After the battle of Nashville, with his Division, and Gen. Pettus' Brigade, he covered the retreat of the army until the evening of the following day, when he was relieved by Gen. Stevenson, who, with another brigade, and that of Gen. Pettus, assumed his position.

Gen. Clayton was slightly wounded in the battle of New Hope Church, and at Chickamauga he was knocked from his horse by a grape-shot. At Jonesboro he had three horses killed or disabled under him.

On returning home, after the surrender, he devoted himself almost exclusively to farming, with marked success. In 1866, he was elected Judge of the Eighth Judicial Circuit, which position he held until July, 1868, when he was removed under the Reconstruction Acts of Congress. His general charge to the Grand Jury, in Pike county, a portion of which, relating to the condition of the country, the treatment of our former slaves, and the spirit which ought to animate the people, was published by the unanimous request of the Bar, and re-published, North and South, as a campaign document, will be remembered by many.

In person, Judge Clayton is six feet high, weighs one hundred and ninety pounds, is slightly bald, very gray for his age, (forty-four) and is vigorous and healthy. He has a large family, and the best orchard and vineyard in South East-Alabama, making several barrels of wine yearly for home and friends, but none to sell. He takes part in every question of public interest, is patient under reconstruction, thinks it hard, yet is hopeful, and endures with fortitude what can not be helped by complaint.

Judge Clayton is a member of the Protestant Episcopal Church, into which he was confirmed nearly twenty years ago. He still resides at Clayton, in Barbour county, where he located on being admitted to the bar in 1849. He is engaged in practicing law, and also in farming. Such a career and such a record is honorable to the State.

To the record already given should be added, in justice to Gen. Clayton, a letter, published by an unknown correspondent, in a Southern paper, dated, "In the Field, near Chattahoochee River, July 7, 1864," under the head of "Our New Generals," of which the following is an extract:

Lieutenant-General Polk is dead; Lieutenant-General Stewart succeeds him. The army of Mississippi will find in their new chief one who is capable of commanding their love and confidence. Officers and men of his old division unite in regrets in losing so kind and so brave a commander. Upon leaving, he issued a touching address to his troops. He goes surrounded by prestige inferior to none. If he does not hereafter increase the laurels which he has hitherto worn with so much modesty, it will be a disappointment to many.

Major-General H. D. Clayton, who succeeds Lieutenant-General Stewart, also enters upon his new career under happy auspices. He was born in Pulaski county, Georgia, but at an early age removed to Chambers county, Alabama. He subsequently studied law at Eufaula, Alabama, and, marrying, located at Clayton, some twenty miles distant, where he practiced his profession, and acquired considerable eminence at the bar. He was for some years a member of the Legislature of his adopted State. He was an early advocate of the secession movement, and, unlike many of the original prime movers of separation, made good his words by deeds. He raised one of the first companies of the State, and went to Pensacola, where he was elected Colonel of the 1st Alabama regiment. In this capacity he served for one year with great distinction, when, the time of enlistment of his regiment having expired, he returned home, and raised the 39th Alabama Regiment. He joined Gen. Bragg at Tupelo, Mississippi, with his command, which was placed in what is now Deas' brigade. He served with Withers' division throughout the Kentucky campaign. At the battle of Murfreesboro, his regiment greatly distinguished itself. Col. Clayton there received a wound in the shoulder, but, notwithstanding that, remained with his command until the severest of the fight was over, and only could be induced to leave when fainting from the loss of blood. For the gallantry he displayed on this field, he won the wreath of Brigadier-General, and was assigned to Cummings' old brigade. At the battle of Chickamauga, he was again wounded, after having two horses killed under him. For his skill at Rocky Face Mountain, in February last, he received the compliments of Major-General Hindman, then commanding Hood's corps, and of Gen. Johnston.

In the present campaign, his brigade sustained the principal attacks of the enemy at Mill Creek Gap; at Resaca, on Saturday evening, with Baker's brigade, charged the enemy and drove them over a mile and a half; and on Sunday evening, in the ill-advised attack of Stewart's division, his brigade suffered severely, but held its ground until ordered to retire. At New Hope Church, he again sustained the brunt of the battle, repulsing the repeated assaults of Hooker's corps, which advanced in three heavy lines. He received on this occasion, the thanks of Major-General Stewart, and his merits being already known at the War Department, he was immediately recommended by him for promotion. He has since then been engaged in many of the skirmishes that have daily taken place, and during an attack of the enemy on our picket line, when north of Kenesaw Mountain, had another horse shot under him. His brigade has probably sustained the greatest loss of any in the army. Out of fifteen hundred men, which it contained when Dalton was evacuated, there has been in killed and wounded six hundred and twelve.

Major-General Clayton is about thirty-six years of age, tall and well-built, soldierly in appearance, has a brusque but pleasing manner, and enjoys great popularity in his command.

Brigadier-General Holtzclaw, who has just been appointed and assigned to the command of Clayton's brigade, is also an Alabamian. He hails from Montgomery. Before the war actually began, in anticipation of coming hostilities, he raised a company called the Montgomery Blues, and with it assisted in the capture

of the navy-yards and forts of Pensacola. He was afterward appointed by the President Major of the 18th Alabama regiment. He distinguished himself by his bravery at the battle of Shiloh, where he received a severe wound, from which he suffered a long time. He afterward rose to be Colonel, in which capacity he has rendered long and efficient service. His merits have at length been appreciated by the President, and in giving him the privilege of placing a wreath on the modest collar of his homespun jacket, our worthy Chief Magistrate has only done what was expected of him a year and a half ago.

Brigadier-General Holtzclaw's appointment has been received by his brigade with the greatest satisfaction. He is popular in the army, where he is almost universally known. Since Gen. Buckner, under whom he received military instruction, has been transferred to the Trans-Mississippi Department, he is said to be the best drilled officer in the Army of Tennessee. X. Y. Z.

The charge of Judge Clayton to the Grand Jury, in relation to the freedmen, having been referred to on a preceding page, the author thinks proper to reproduce the charge, so far as he is able, in the hope that it may have a salutary effect on the public mind. The note from members of the bar, requesting a copy for publication, is also given, as both appeared in the "Southern Advertiser," of September 21, 1866:

TROY, ALABAMA, September 11, 1866.

*To the Hon. Henry D. Clayton, Judge of the Eighth Judicial Circuit:*

The undersigned, members of the bar of Pike county, having heard with much satisfaction, and approved your charge to the Grand Jury of Pike county, and being convinced that the publication of that part of your charge which concerns the relations between the white population and the negroes lately emancipated, would have a good effect upon the country, respectfully ask for a copy of the same for publication.

|                  |                    |
|------------------|--------------------|
| A. N. WORTHY,    | G. T. YELVERTON,   |
| W. C. WOOD,      | E. L. McINTYRE,    |
| W. C. OATES,     | H. C. SEMPLE,      |
| JOHN D. GARDNER, | J. E. P. FLOURNOY, |
| W. H. PARKS,     | J. N. ARRINGTON,   |
| W. D. ROBERTS,   | HAM. McINTYRE,     |
| BENJ. GARDNER,   | JNO. P. HUBBARD,   |
| N. W. GRIFFIN.   |                    |

EXTRACT FROM THE CHARGE OF JUDGE CLAYTON TO THE GRAND JURY OF PIKE COUNTY, ON THE 9TH OF SEPTEMBER, 1866, AND PUBLISHED BY REQUEST OF THE BAR, AND OF THE GRAND JURY IN THEIR GENERAL PRESENTMENTS:

There is a class of our population clothed with certain civil rights and privileges which they did not possess until recently; and in dealing with which you may experience some embarrassment. I, of course, allude to the negroes.

Among the terms upon which the Confederate States terminated their heroic struggle for a separate and independent nationality, was one which guaranteed freedom to this race. Although we deplore that result, as alike injurious to the country and fatal to the negroes, the law has been placed upon our statute books in solemn form by us, through our delegates. The laws for their government, as slaves, have been repealed, and others substituted, adapted to their new condition. We are in honor bound to observe these laws. For myself, I do not hesitate to say, in public and private, officially and unofficially, that, after having done all I could to avert it, when I took off my sword in surrender, I determined to observe the terms of that surrender with the same earnestness and fidelity with which I first shouldered my musket. True manhood requires no deception, but that as we say with our lips we shall feel with our hearts, and do with our hands.

There is nothing in the history of the past of which we need be ashamed.

Whilst we cherish its glorious memories, and that of our martyred dead, we pause here and there to drop a tear over their consecrated ashes, but remember there is still work for the living, and set ourselves about the task of reëstablishing society and rebuilding our ruined homes. Others, unwilling to submit to this condition of things, may seek their homes abroad; you and I are bound to this soil for life, for better or for worse, and it must at least cover our remains. What, then, is our duty? To repine at our lot? To sit down day and night cursing and gnawing our chains? That is not the part of manliness; but to rise up and go forward, performing our highest mission as men. "He who does the best his circumstances allow, does well—acts nobly—angels could do no more." Is it not enough that the blood of the best and bravest has been shed in every valley throughout the land? Is it not enough that the bones of our fathers and brothers and sons lie whitening on every hill-top? Is it not enough that the voice of lamentation has been heard at every fireside? Is it not enough that the wailings of the widow and orphan still sound in our ears? Have we not suffered enough? Have we not done all that was in the power of human nature? In our own bosoms let us wear this consciousness as a jewel above price.

Now, let us deal with the facts before us as they are. The negro has been made free. It is no work of his. He did not seek freedom, and nominally free, as he is, he is helpless beyond expression—helpless by his want of habits of self-reliance—helpless by his want of experience; and doubly helpless by his want of comprehension to understand and appreciate his condition. From the very nature of the surroundings, so far as promoting his welfare and adapting him to this new relation to society are concerned, all agencies from abroad must prove inadequate. They may restrain in individual instances, but we are the only people in the world who understand his character, and hence, the only people in the world capable of managing him.

To remedy the evils growing out of the abolition of slavery, it seems two things are necessary: First, a recognition of the freedom of the race as a fact, the enactment of just and humane laws, and the willing enforcement of them. Secondly, by treating them with perfect fairness and justice in our contracts, and in every way in which we may be brought in contact with them. By the first, we convince the world of our good faith, and get rid of the system of espionage, by removing the pretext of its necessity; and by the second, we secure the services of the negroes, learn them their places, and how to keep them, and convince them, at last, that we are indeed their best friends. When we do this, let us hope that society will revive from its present shock, and our land be crowned with abundant harvests. We need the labor of the negroes all over the country, and it is worth the effort to secure it. If it would not be extending this charge beyond what I conceive to be a proper limit of time for its delivery, I might enlarge upon this subject by showing the depressing effect upon the country which would be produced by the sudden removal of so much of its productive labor. Its first effect would be the decreased value of the lands—decreased agricultural products—decreased revenue to the State and county, arising from these sources, with their thousand attendant results.

Besides all this, which appeals to our interests, gentlemen, do we owe the negro any grudge? What has he, himself, done to provoke our hostility? Shall we be angry with him because freedom has been forced upon him? Shall it excite our animosity that he has been suddenly, and without any effort on his part, torn loose from the protection of his kind master? You may have been that master. He is proud to call you master yet. In the name of humanity, let him do so. He may be older than you, and perhaps carried you in his arms when an infant. He may have been the companion of your boyhood. You may be bound to him by a thousand ties which only a Southern man knows, and which he alone can feel in all its force. It may be that when, only a few years ago, you girded on your cartridge-box, and shouldered your trusty rifle, to go forth to meet the invaders of your country, you committed to his care your home and your loved ones; and when you were far away upon the weary march, upon the dreadful battle-field, in the trenches, and on the picket line, many and many a time you thought of that faithful old negro, and your heart warmed towards him.

[The remainder of the charge, as printed, was accidentally torn off and lost.]

STEPHEN F. HALE, of Greene, was a Kentuckian, and came to Alabama in the capacity of a teacher. He read law, and entered upon the practice at Eutaw, about 1841. His talents soon attracted notice. In 1843, when quite a young man, he was elected to the House, where he made a favorable impression. Continuing to apply himself to the duties of his profession, and advancing in influence, he remained in private life until the breaking out of the Mexican war in 1846, when he volunteered, and was elected Lieutenant of a company. He served in Mexico until the conclusion of peace, in 1848, when he returned home with a bright reputation as a soldier and officer.

Again applying himself closely to his profession, he did not again come forward for public trust until 1857, when he was a second time elected to the House, and was re-elected in 1859. His physical and mental capacity, as might have been expected, was improved since 1843, and he became a leading man, with an acknowledged force of character, in the Legislature. In debate, he displayed a high order of intellect, and his manner and delivery gave great effect to his arguments. He was a Whig of the Kentucky stamp of those days. His mind had been logically trained. There was an energy in his style, and a tone in his elocution, which made him somewhat noted on the floor, and had great weight with his hearers.

In 1860, he voted for John Bell for President, because he was a Whig, as he always voted with his party for the first office in the country, when a suitable candidate was in the field. After the State seceded, Mr. Hale was sent, by Gov. Moore, as a Commissioner to Kentucky, to take counsel with the authorities of that State in regard to the momentous issues then pending. He afterward engaged in the military service of the Confederate States, and held the rank of Lieutenant-Colonel in the army of Virginia, where he was killed in one of the battles around Richmond in 1862, while bravely leading his command in action.

As a gentleman, Col. Hale possessed a noble spirit, and was kind and true in all the relations of life. In 1866, the Legislature named a new county "Hale," formed out of the eastern portion of Greene, in honor of the man who came among the people of that county a young stranger, and in their midst, for more than twenty years, proved himself a good lawyer, a worthy citizen, an intelligent legislator, and a brave soldier; and when the sacrifice was demanded, he left the comforts and endearments of home for the battle-field, where he gave his life in defending the rights and honor of the South. Surely such a man, such an example, deserves commemoration.

SAMUEL JETER, of Chambers, was elected as a Democrat, and served only through the session of 1857. He was a Georgian, originally, but had long resided in Alabama, where his political relations were well established in the Conventions and consultations of his party, in which he took a prominent part. He was somewhat advanced in years, was wealthy, and had a force and decision of character that gave him much influence in political and social circles. He still possesses the mental vigor of earlier days.

DR. A. G. MABRY, of Dallas, took his seat in 1857, and served with little interruption to the close of the session of 1866-'7. He possessed good practical sense, and much and varied information on public affairs, which contributed no little to the benefit of the State in his legislative career. As a member of the Committee on Ways and Means he rendered very substantial service. Without social qualities of any special character, he cultivated pleasant relations with his fellow-members, without neglecting his public duties, however, and was at all times respectful and courteous as a gentleman.

Dr. Mabry, as a physician of high culture, took a lively interest in the establishment and organization of the Asylum for the Insane, was one of the first Trustees, and with watchful and tender care, has looked after its interest, so as to secure, upon a permanent basis, the support of the institution, that it may impart vigor and certainty to its benefits. In all these philanthropic efforts, he has enrolled his name on the list of Alabama's most deserving sons.

JAMES B. MARTIN, of Talladega, by birth and education a Georgian, first settled in Jacksonville, in the practice of the law, and afterward removed to Talladega. He advanced rapidly in his profession. The superior mind, the close attention to law-books, the fidelity to his clients, which marked his character, made him a rising man, and brought about him many friends and admirers. He came to Alabama a stranger, without influential connections, and worked his way through the difficulties usually encountered by young men in this situation. But he rose above them, and became established in the confidence and patronage of the people.

In 1857, he was elected to the House, and the ability of his reports from Committee, and in his speeches on the floor, secured him a prominent rank among the working and useful members. Not long afterward, he was elected Judge of the Circuit Court, and presided with uprightness, and to the public satisfaction, until he resigned after the commencement of hostilities, and took the field as Lieutenant-Colonel of a regiment, displaying as much bravery in war, as he had given proofs of great intellect in peace.

While leading a charge, in one of the battles of Virginia, (at Dranesville, I believe,) he was killed, in the flower of his age, and in the midst of his usefulness. His moral character was upright and pure, and he died, as he had lived many years, a worthy member of the Presbyterian Church.

ALEXANDER SMITH, of Coosa, was elected in 1857 and in 1859, upon the Democratic ticket, and served the State and his constituents well and faithfully. The people had bestowed on him various county offices, with that of Sheriff, in all which he exhibited the force of his character in decision and punctuality.

Mr. Smith is a North Carolinian; but has so long resided in Alabama, that he is entitled to the appellation of an *old citizen*. He has always been remarkable for energy and perseverance, and now, at the age of 76, he is engaged in the active duties of life, in rearing up and educating a family of young children.

Under the old organization, he was a Democrat, and supported Mr. Douglas for the Presidency in 1860; but when the State seceded, he gave her his support, with all the earnestness of his nature; and, now, in the evening of his days, he can look back with satisfaction upon a life devoted to the public good, so far as his means and opportunities would allow. Mr. Smith is much respected wherever he is known.

## CHAPTER XXXVII.

*Financial Policy—Banking System.*

In settling on a plan likely to be the most useful in operation, with less cost to the people, in raising and disbursing money on public account, the Legislature of Alabama, at an early period, chartered a State Bank, with Branches as occasion seemed to require, founded upon the credit of the State. The leading idea, no doubt, was the realization of a surplus not only sufficient for the support of the Government, in its Legislative, Executive, and Judicial Departments, but a balance which might be applied to the cause of popular Education, or to any other scheme or method for securing the greatest good to the greatest number. The ground of calculation was probably the difference between borrowing capital by the sale of State bonds at five per cent. interest, to be used by the Banks in the discount of paper bearing eight per cent., which would show a profit of \$30,000 on each million so invested. On this principle, ten millions of dollars in bonds, as a basis of issue in Bank circulation, could not produce less than \$300,000 per annum, confining the issue, dollar for dollar, within the specie ability of the Banks to redeem their notes on presentation, even on the same day. To this supposed gain might reasonably be added still more extensive profits from the issue of Bank notes in the proportion of three dollars to one dollar in specie, the usual privilege granted, on the presumption that the return of the bills in payment of Bank debts would always keep the circulation at a point of safety, without creating a demand for coin beyond the ordinary routine of commerce, and without the possibility of a panic, or of peril to the Banks.

Such may have been the inducement to adopt the Banking System in Alabama, as a relief from taxation, and as promising other desirable results. At all events, the experiment has been made, attended perhaps with more of general prosperity in the development of the agricultural resources of the State, and in other channels, than would have accrued to the people had no such facilities been afforded. It is altogether useless, at this late period, to speculate upon the advantages which might have been secured to the citizens by a literal fulfillment of contracts on the part of bank debtors, and the exercise of the privilege of the Banks to increase their circulation on a legitimate basis, so that instead of \$300,000

profit per annum, this sum might have been tripled to \$900,000 on \$10,000,000 of capital thus employed.

It is not intended here to examine the several Bank charters, nor the respective dates when the State Bank and Branches were established. The particulars would serve no useful purpose. The management of the Banks has been noticed incidentally in other portions of this work, and this must suffice, except to show, as the time approached for winding up the Banks, the amount of indebtedness by the people, and the liability of the Banks for their outstanding circulation.

As evidence of the demand for accommodations, it is shown by the Bank reports, that, for the year ending November 30, 1840, the offerings of ninety days paper at the State Bank, from twenty-two counties, amounted, in the aggregate, to \$1,710,489, while the discounts for the same counties were \$295,802. Perhaps about the same ratio of seven to one existed in the Branch Banks, though no statement of offerings is made in their reports. The relief law of the extra session, in 1837, directed loans to be made from the sale of \$5,000,000 new bonds, mainly to debtors in distress from judgments and executions pending over them; and certificates from the Clerks of the several Courts, showing these liabilities, were necessary to be laid before the Directors, in order to obtain loans, or relief. No attempt is made to trace the amounts offered for this purpose in the intervening years to 1840; but some idea may be formed of the pressure, from the fact stated as to the twenty-two counties already referred to, seven of which, offering more than \$100,000 each, are the following:

| <i>Counties.</i>    | <i>Am't Offered.</i> | <i>Am't Discounted.</i> |
|---------------------|----------------------|-------------------------|
| 1. Greene .....     | \$ 413,898 00        | \$ 63,350 00            |
| 2. Sumter .....     | 302,250 00           | 44,400 00               |
| 3. Perry .....      | 214,558 00           | 23,950 00               |
| 4. Marengo .....    | 203,150 00           | 36,785 00               |
| 5. Tuscaloosa ..... | 141,333 00           | 55,367 00               |
| 6. Dallas .....     | 132,400 00           | 18,400 00               |
| 7. Pickens .....    | 124,270 00           | 19,250 00               |
| Total .....         | \$1,531,859 00       | \$261,502 00            |

Without going farther back to ascertain the precise amount of State bonds originally issued to the Banks, it may be stated that in 1840 the amount outstanding was \$10,859,856, drawing an annual interest of \$563,768. The Joint Examining Committee at the session of 1840, consisted of Messrs. W. W. Morris, Milton McClanahan, and Thomas A. Walker, of the House; and Messrs. George Reese, D. B. Turner, and Dixon Hall, on the part of the Senate. In their report on the condition of the State Bank and

Branches, the Committee stated the amount of *good, doubtful, bad,* and *unknown* debts due the State Bank and Branches, from each county, after this classification had been made by their members, who inspected the list. The following is the result:

## STATE BANK—

|               |                      |
|---------------|----------------------|
| Good.....     | \$2,297,477 33       |
| Doubtful..... | 179,532 20           |
| Bad.....      | 397,413 04           |
| Unknown.....  | 151,839 01           |
|               | <hr/> \$3,026,251 38 |

## BRANCH AT MONTGOMERY—

|               |                      |
|---------------|----------------------|
| Good.....     | \$2,441,228 43       |
| Doubtful..... | 217,204 09           |
| Bad.....      | 196,542 43           |
| Unknown.....  | 108,668 47           |
|               | <hr/> \$2,963,603 42 |

## BRANCH AT HUNTSVILLE—

|               |                      |
|---------------|----------------------|
| Good.....     | \$1,513,460 90       |
| Doubtful..... | 93,625 84            |
| Bad.....      | 104,903 37           |
| Unknown.....  | 19,885 42            |
|               | <hr/> \$1,731,875 53 |

## BRANCH AT MOBILE—

|               |                      |
|---------------|----------------------|
| Good.....     | \$3,271,717 71       |
| Doubtful..... | 947,720 47           |
| Bad.....      | 2,134,239 21         |
| Unknown.....  | 889,346 40           |
|               | <hr/> \$7,243,023 85 |

## BRANCH AT DECATUR—

|               |                      |
|---------------|----------------------|
| Good.....     | \$2,490,365 28       |
| Doubtful..... | 300,020 06           |
| Bad.....      | 713,403 75           |
| Unknown.....  | 190,894 67           |
|               | <hr/> \$3,694,683 76 |

Total..... \$18,659,428 14

To replenish its vaults with coin, looking forward to an early resumption of specie payments, the State Bank, in the summer of 1838, commenced advancing on cotton to be delivered, under special contract, which practice it kept up for two years. In noticing it the Committee say:

Our examination extends back to the commencement of these transactions. The results of our investigations are as follows:

|   |        |
|---|--------|
| Number of bales advanced on .....                             | 21,624 |
| Number of bales received and shipped.....                     | 19,124 |
| Number of bales not delivered.....                            | 2,475  |
| Number of bales sold, as per account of sales rendered.....   | 18,290 |
| Number of bales unsold on account of sales not received ..... | 859    |

|  |                |
|--|----------------|
| Amount advanced on 21,624 bales.....   | \$1,209,416 29 |
| Proceeds, as per account of sales, of 18,290 bales.....  | 764,898 62     |
| Amount of reclamation from shippers, subject to the deductions of the net proceeds of 859 bales.....   | 504,517 67     |
| Now, taken as data, the proceeds of the same number of bales, as per account of sales of cotton already sold, gives a credit to the above, of..... | \$ 25,770 00   |
| The probable amount of reclamations.....   | 478,747 00     |

At the session of 1842, the Joint Examining Committee made a report on the condition of the debts due the State Bank and Branches, showing by classification the following results:

|                                     |                 |
|-------------------------------------|-----------------|
| Total amount of good debts.....     | \$ 8,852,135 80 |
| Total amount of bad debts.....      | 5,501,493 16    |
| Total amount of doubtful debts..... | 2,048,244 81    |
| <hr/>                               |                 |
| Making the grand total.....         | \$16,401,873 77 |

In the days when the Banking System of Alabama had free course, and millions of currency were issued in exchange for business and accommodation paper, there was, at times, a stringency in the money market more or less inconvenient to the people, caused mainly by their large indebtedness to the Banks, and the low price of cotton, which ranged from seven to ten cents per pound. The money borrowed from the Banks had been generally invested in real estate and labor at a high figure. Hence the pressure when cotton was low, and liabilities urgent for property purchased on credit.

The Committee for 1842, in their report, made the following statement of the total amount due from each county to the State Bank and Branches:

|                |              |                 |               |
|----------------|--------------|-----------------|---------------|
| Autauga.....   | \$482,343 57 | Lauderdale..... | \$ 260,159 25 |
| Blount.....    | 169,490 04   | Lawrence.....   | 909,766 19    |
| Benton.....    | 122,406 60   | Linestone.....  | 465,343 37    |
| Barbour.....   | 113,414 36   | Lowndes.....    | 579,506 70    |
| Baldwin.....   | 34,056 50    | Marshall.....   | 189,220 86    |
| Bibb.....      | 121,605 65   | Madison.....    | 978,481 73    |
| Butler.....    | 143,647 75   | Morgan.....     | 375,985 38    |
| Cherokee.....  | 28,272 25    | Marion.....     | 66,279 30     |
| Chambers.....  | 99,990 09    | Macon.....      | 193,835 40    |
| Clarke.....    | 209,728 32   | Marengo.....    | 595,383 04    |
| Conecuh.....   | 65,614 18    | Mobile.....     | 2,740,227 24  |
| Coosa.....     | 116,725 48   | Montgomery..... | 1,222,014 44  |
| Covington..... | 4,190 27     | Monroe.....     | 175,429 64    |
| DeKalb.....    | 42,330 99    | Perry.....      | 471,150 40    |
| Dale.....      | 39,409 40    | Pickens.....    | 180,304 58    |
| Dallas.....    | 444,067 92   | Pike.....       | 72,064 25     |
| Fayette.....   | 57,377 24    | Randolph.....   | 27,428 22     |
| Franklin.....  | 563,693 08   | Russell.....    | 70,156 61     |
| Greene.....    | 795,735 20   | St. Clair.....  | 49,920 94     |
| Henry.....     | 37,848 63    | Shelby.....     | 74,540 14     |
| Jackson.....   | 236,003 81   | Sumter.....     | 663,915 14    |
| Jefferson..... | 87,438 72    | Talladega.....  | 273,835 20    |

|                  |              |                           |                 |
|------------------|--------------|---------------------------|-----------------|
| Tallapoosa.....  | \$ 37,473 96 | State of Mississippi..... | \$ 130,948 04   |
| Tuskaloosa.....  | 626,827 64   | State of Tennessee.....   | 7,701 20        |
| Washington.....  | 100,228 61   | State of Georgia.....     | 7,652 05        |
| Walker.....      | 49,929 77    | State of Pennsylvania.... | 2 00            |
| Wilcox.....      | 274,475 86   | Promiscuous.....          | 101,510 90      |
| University.....  | 52,500 00    |                           |                 |
| Cotton Debt..... | 351,190 14   |                           | \$16,401,873 77 |

At this session all the Branch Banks were so far placed in liquidation as to cease discounting paper. Officers were retained to close up the business and expedite the collection of debts. At the session of 1843, Dr. David Moore, of Madison, was Chairman of the Bank Committee, and from his report the following items are derived:

|   |                |
|---|----------------|
| Debts collected during the year.....            | \$1,785,416 79 |
| Outstanding circulation.....                    | 4,319,358 00   |
| Specie in Branch Banks.....                     | 624,659 41     |
| Current expenses of the Banks.....              | 90,831 86      |
| Paid on account of valueless 16th sections..... | 161,251 57     |
| Amount due 16th sections.....                   | 822,440 07     |

These calculations were based on the reports of the Bank Commissioners and Bank officers, which were quite voluminous, as referred to the Committee.

By the act of 4th February, 1843, the Bank managers were to appoint attorneys for the several counties, to whom a commission varying from five to twenty per cent. was allowed on all collections paid in Bank. A large portion of the paper due the Banks was accordingly placed in the hands of attorneys selected in the different counties, whose names, with those of debtors, were published with the Bank reports. The law also required that the indebtedness of the Directors, and of members of the Legislature, together with the items of expense in the administration of the Banks, should be published.

From the report of the Commissioners in 1845, the condition of the State Bank is ascertained, showing collections for the year, \$232,276 03, with a balance of unpaid debts, \$1,572,710 66; of which amount, \$722,998 17 was classed as good.

In 1845, the outstanding bonds of the State for Bank capital, falling due from 1850 to 1866, with the annual interest thereon, were thus stated:

| <i>Issued to.</i>         | <i>Amount.</i>        | <i>Annual Interest.</i> |
|---------------------------|-----------------------|-------------------------|
| State Bank.....           | \$ 708,711 11         | \$ 36,435 56            |
| Branch at Montgomery..... | 1,838,711 11          | 95,265 56               |
| Branch at Mobile.....     | 3,434,711 11          | 175,045 56              |
| Branch at Huntsville..... | 1,357,711 11          | 69,785 56               |
| Branch at Decatur.....    | 1,867,711 11          | 94,975 56               |
| <b>Total.....</b>         | <b>\$9,207,555 55</b> | <b>\$471,507 80</b>     |

Previous to 1820, Congress passed an act enabling the people of the Alabama Territory to form a State Government, and among other provisions was a grant of the 16th section in every township for the support of Common Schools. Most of these lands have been sold, and the proceeds, cash and notes, deposited in the Banks, the interest on which has been paid to the several counties. Of the twenty-two counties which had accounts in the State Bank, five, having the largest credits, are here noticed :

| <i>Counties.</i>   | <i>School Fund.</i> | <i>Annual Interest.</i> |
|--------------------|---------------------|-------------------------|
| 1. Sumter.....     | \$146,717 29        | \$8,767 51              |
| 1. Greene.....     | 104,929 19          | 7,252 17                |
| 3. Perry.....      | 65,069 93           | 4,538 44                |
| 4. Pickens.....    | 49,554 90           | 3,603 20                |
| 5. Tuskaloosa..... | 45,323 67           | 3,472 02                |
| <b>Total .....</b> | <b>\$411,394 98</b> | <b>\$27,633 34</b>      |

In relation to this fund generally, as affording an idea of its extent in the other Banks, a paragraph from the report of the Commissioners of the State Bank for 1845, is subjoined:

Estimating each county to contain nine hundred square miles (the Constitutional minimum), there will be twenty-five townships in each, or 16,000 acres of Sixteenth Sections. The twenty-two counties named in the table, at this rate, have 352,000 acres of school lands, of which 206 sections, or 131,840 acres, have been sold, netting \$573,047 47, at an average of \$4 34 per acre. The unsold sections in these counties are 344, containing 220,160 acres, which, at the same average, would yield \$955,494 40. This, added to the account in bank, would make the sum of \$1,528,541 87. If all the counties in the State sold their school lands at the same price, the grand total would be \$3,472 00, for the 800,000 acres devoted to popular education, which, at six per cent., would produce \$208,320 in annual interest.

An act was passed 4th February, 1846, placing the State Bank and Branches in the hands of Hon. Francis S. Lyon, C. C. Clay, and William Cooper, Commissioners and Trustees, to control the assets and property, converting the same into money, or State bonds, at as early a period as practicable, with an officer to assist at each institution. They appointed the following:

- William Hawn, for the State Bank at Tuskaloosa;
- Henry B. Holcombe, for the Branch Bank at Mobile;
- John Whiting, for the Branch Bank at Montgomery;
- William Mailler, for the Branch Bank at Decatur;
- Theophilus Lacy, for the Branch Bank at Huntsville.

On the 20th December, 1847, the Trustees made their report to the Legislature, from which the following items are obtained:

|   |                |
|---|----------------|
| Amount collected since 4th of February, 1846..... | \$3,457,973 54 |
| Amount of Sixteenth Section Fund on Deposit.....  | 1,015,580 36   |
| Outstanding circulation.....                      | 457,177 00     |

The Trustees estimated the amount likely to be realized from the remaining assets and property of the Banks—

|   |                |
|---|----------------|
| From the Bank of the State, about.....    | \$ 300,000 00  |
| From the Branch at Mobile, about .....    | 1,000,000 00   |
| From the Branch at Montgomery, about..... | 500,000 00     |
| From the Branch at Decatur, about.....    | 300,000 00     |
| From the Branch at Huntsville, about..... | 100,000 00     |
| Total.....                                | \$2,200,000 00 |

Amid all the fluctuations of commerce and of finance, from the time the Banks suspended specie payments, in 1837, the notes of the State Bank and Branches have, except at very short periods, kept within a small margin of specie value. That such was the fact in 1847, an extract from the report of the Trustees is here given:

So far from depreciating, the bills, although not convertible into specie, appreciated in value, until they are, and have been for some time past, almost equal to specie. They are at a discount of less than one per cent. We were compelled, in order to preserve their value, and prevent loss to those who might use them as a circulation, to refuse to receive in payment of Bank debts anything but gold or silver, the bills of the Bank of Mobile, or of the State Bank and Branches.

Under the judicious administration of the Trustees, the affairs of the Banks have been closed without the loss of a dollar to public creditors, or to bill holders. The faith of the State has been maintained and its obligations promptly redeemed. For many years the revenue from the Banks defrayed the expenses of the Government, thus relieving the people entirely from taxation for the same period. To claim for those who, in the meantime controlled the Banks, an utter exemption from error and occasional excess in dispensing favors, is not here pretended. But, all things considered, and the influences frequently brought to bear upon human weakness, and human sympathy, it is matter of gratulation that no worse results have flowed from the system, especially when for each Bank more than a dozen Directors were annually elected by the Legislature, often on the *log-rolling* principle, more or less prevalent even in Congress, without the seal of public condemnation.

As to the substantial benefits afforded to the people by the Banks, let the rich fields, and the many improvements which place Alabama in the front of agricultural States, with her cotton crop leading Southern production, proclaim the award. The wilderness has been subdued, the priceless cane-brake region developed; cities and towns have been built; railroads constructed in every direction; public institutions have been munificently endowed; colleges and high-schools have been established; hospitals and asylums have been organized for the relief of humanity; and churches,

with their beautiful spires pointing to heaven, abound through the State. Much of the prosperity of former years, when enterprise had its stimulus, doubtless originated in the timely aid of a sound and liberal circulation furnished by the Banks, now swept from existence.

This record is given as a memorial of better days, perhaps, than the present, in many points of view; and the retrospect, if attended with no profit or consolation, can at least work no injury, where circumstances have been so thoroughly changed. As to the policy or impolicy of banking corporations in general, no judgment is here expressed. Facts alone have been introduced, without involving the *specie feature* in its political aspect.

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## CHAPTER XXXVIII.

*Vice-President King—His Public Services—Testimonials of Congress and the United States Supreme Court, on his death.*

HON. WILLIAM RUFUS KING was born in Sampson county, North Carolina, April 7, 1786. He was first elected to Congress from that State in 1810, and served as a Representative until 1816, when he resigned, to accept the office of Secretary of Legation, which had been tendered him; and in that capacity he accompanied the Hon. William Pinkney, United States Minister, to Russia. Soon after his return home he removed to Alabama, and in 1819 was elected, from Dallas county, a delegate to the Convention which formed the first Constitution of the State, to which his signature is attached.

At the first session of the General Assembly, after Alabama was admitted as a State in the Union, Col. King was elected a Senator in Congress, which station he continued to fill until 1844, when he resigned on being appointed Minister to France, where he remained until 1847. In 1848, Senator Bagby resigned, for the Russian Embassy tendered him by President Polk, and Col. King was appointed, by Gov. Chapman, to supply the vacancy. At the next session of the Legislature he was again elected to the Senate, and was holding the commission of Senator when he was elected Vice-President of the United States, in 1852. In the meantime his health declined to such an extent that his friends advised him to pass the Winter on the Island of Cuba; and while

there, a messenger sent by the Government at Washington administered to him the oath of office. He barely had strength to reach his home, in Dallas county, Alabama, where he died in April, 1853, at the age of sixty-seven years.

The manifestations of respect in high official quarters will best show the character of Col. King. In his annual message to Congress, in December, 1853, President Pierce said :

Since the adjournment of Congress, the Vice-President of the United States has passed from the scenes of earth, without having entered upon the duties of the station to which he had been called by the voice of his countrymen. Having occupied, almost continuously, for more than thirty years, a seat in one or the other of the two Houses of Congress, and having, by his singular purity and wisdom, secured unbounded confidence and universal respect, his failing health was watched by the nation with painful solicitude. His loss to the country, under all the circumstances, has been justly regarded as irreparable.

From the eulogies delivered in Congress, all forming a pamphlet of about sixty pages, a few brief passages are selected, as a sufficient memorial. After announcing his death to the Senate, and specifying the qualities of Col. King, Mr. Hunter, of Virginia, said :

Here, at least, is a public man, in whose life there can be found no instance of a mean or equivocating action—none of a departure from the self-imposed restraints of a refined and lofty sense of honor, and none in which either the fear of man or the seductions of ambition tempted him to a deed which could destroy either his own self-respect or the respect of others for him. He trod the difficult and devious paths to political preferment long and successfully, and yet he kept his robes unsoiled by the vile mire which so often pollutes these days.

**MR. EVERETT, of Massachusetts, said :**

Not claiming, although an acute and forcible debater, to rank with his illustrious contemporaries, whom now, alas! we can mention to deplore—with Calhoun, with Clay, and with Webster (I name them alphabetically, and who will presume to arrange them on any other principle?)—whose unmatched eloquence so often shook the walls of this Senate, the late Vice-President possessed the rare and the highly-important talent of controlling, with impartiality, the storm of debate, and moderating between mighty spirits, whose ardent conflicts at times seemed to threaten the stability of the Republic.

**MR. DOUGLAS, of Illinois :**

Few men in this country have ever served the public for so long a period of time, and with a more fervent patriotism or unblemished reputation. For forty-five years he devoted his energies and talents to the performance of arduous public duties—always performing his trust with fidelity and ability, and never failing to command the confidence, admiration and gratitude of an enlightened constituency.

**MR. CLAYTON, of Delaware :**

The master-spirits of the time were among the Senators of that day [1829 to 1834.] I speak not of the living. But here, then, were Clay, Calhoun, Forsyth, Webster, and Livingston; the learned and laborious Woodbury; the astute Grundy; the witty, sarcastic, and ever-ready Holmes; the classic Robbins; and,

among many others justly distinguished, the graceful and accomplished orator of Carolina, Robert Y. Hayne—

“Whose words had such a melting flow,  
And spoke of truth so sweetly well,  
They dropp'd like the serenest snow,  
And all was brightness where they fell.”

Oh! I could enumerate, and delight to dwell on, the virtues of them all, and then revert to him whose fame we now commemorate, as one not inferior in integrity and honor to the proudest among them. But these reminiscences are attended by the mournful reflection, that our connections with them in this world are ended forever.

“Around us, each dissever'd chain  
In sparkling ruin lies,  
And earthly hands can ne'er again  
Unite those broken ties!”

In the House, on the same day, a message was received from the Senate, by the hands of Asbury Dickens, its Secretary, as follows :

*Resolved, unanimously,* That from respect to the late WILLIAM R. KING, Vice-President of the United States, and President of the Senate, the chair of the Presidency be shrouded with black ; and as a further testimony of respect for the memory of the deceased, the members of the Senate will go into mourning by wearing crape on the left arm for thirty days.

*Ordered,* That the Secretary of the Senate communicate this resolution to the House of Representatives.

### MR. HARRIS, of Alabama :

In all those more intimate and tender relations which bound him to his friends, his kindred, and his servants, he was all that friendship could ask, or affection claim, or humanity and kindness enjoy. While in that higher and more solemn relation, which he bore to the Author of us all, he was exact and scrupulous in the discharge of all the duties enjoined by a regard for the behests of religion ; and in the closing scenes of life's fleeting, final hour, he leaned with humble trust upon the merits of his Savior.

“His life was gentle—and the elements  
So mixed in him, that Nature might stand up  
And say to all the world—‘This was a man!’”

### MR. CHANDLER, of Pennsylvania :

The manners of Mr. King were unobtrusive, retiring, gentle. No appearance, no act, of his could be regarded as challenging attention. He moved among his fellow-men with manifestations of constant respect for their rights, and their positions ; and among his fellow-legislators, he was distinguished by that constant deference to others, which is the characteristic of modesty and available talents. Abroad, sir, in Europe, he presented himself with no demands, as a *man*, upon the consideration of others, and no claim to distinction in the free use of his ample means. But, as the representative of a nation of freemen, he claimed the regard which his representative character challenged, and he maintained social hospitalities with the profusion which his ample means warranted, and his generous patriotism suggested.

**MR. MILTON S. LATHAM, of California:**

In all that belonged to him individually, Mr. KING was the very type of an American gentleman. Free from artifice and disguise, his every thought and instinct was chivalric. Not to adventitious circumstances, not to the chances of birth and fortune, not to the society in which he was thrown, was he indebted for the distinction to which he rose in public life, or to the grace which adorned his private character. He never borrowed thoughts or sentiments from others. His mind and heart were of American growth, while his eminent virtues served to illustrate our National character.

**MR. TAYLOR, of Ohio:**

I had the pleasure to know him for many years, as a public man; and to meet him often in the social circles of this city. And though we differed widely upon some of the most important political questions that have lately agitated the country, I always found him mingling moderation with firmness, and a proper respect for the opinions of those who differed with him.

**HON. WILLIAM S. ASHE, of North Carolina, who represented the District in which Col. KING was born, said:**

Col. KING was sent, at an early age, to the University of North Carolina, at Chapel Hill, which institution he left in his seventeenth year, bearing with him the happy consolation of having commanded the respect of his professors, the love and esteem of his associates. He studied law with William Duffy, an eminent jurist, residing in the town of Fayetteville, where he formed friendships which he preserved with affection to the day of his death. On being admitted to the bar, he settled in his native county, from which he was returned the following year as a member of the Legislature. By this body he was elected Solicitor for the Wilmington Judicial District, in which situation he continued for two years. He was then again returned to the Legislature for the years 1808-'9. In the year 1810, he was elected to the Congress of the United States.

**MR. BENTON said:**

The members who have preceded me have stated, and well stated, the illustrious career of the deceased—tracing his course through a long gradation, always rising, of public honors—from the General Assembly of his native State to the second office of his country, the Vice-Presidency of this great Republic.

To me it only belongs to join my voice to theirs, and to the voices of all who knew him, in celebrating, the integrity and purity of his life—the decorum of his manners—his assiduous and punctual attention to every duty, and the ability and intelligence which he brought to the discussion of the National affairs during his long service of thirty years.

**MR. PHILLIPS, of Alabama:**

I visited Washington for the first time a few years ago, and though it has been said (with what truth I cannot assert) that corruption stalks here at noonday, it was with just pride as an Alabamian, that I learned from all quarters and all parties that, through his long service in the public councils of a quarter of a century, he had not only preserved his reputation intact, but freed even from the breath of suspicion.

It was this purity of character, joined to the high qualities of a well-balanced mind, that enabled him to enjoy, for so long a period, the confidence of the people of his own State, and of the whole Confederacy.

The question was taken, and the resolutions were unanimously adopted:

In the Supreme Court of the United States, December 9, 1853, Mr. CUSHING, the Attorney-General of the United States, addressed the Court in terms of eulogy, opening with the following paragraph:

May it please your honors, I wish to submit a motion which seems to be called for by the subject matter. God, in his inscrutable but supreme will, has removed from the service of the country, and the path of honor which, through a long life of greatness and goodness, he had so nobly trod, the Vice-President of the United States. When the voice of some future panegyrist, on the banks of the Mississippi, the Bravo, or the Columbia, shall speak of the heroes, the legislators, the statesmen, and the magistrates of our country, as he recounts the names borne on that glorious roll of immortality, he cannot fail to pause with unalloyed satisfaction at the name of WILLIAM R. KING.

To which Mr. Chief-Justice TANEY replied:

The Court is sensible that every mark of respect is due to the memory of the late Vice-President, WILLIAM R. KING.

His life was passed in the public service, and marked throughout it by its purity, integrity, and disinterested devotion to the public good.

It is true, that no part of it connected him particularly with the judicial branch of this Government. But the people of the United States had elevated him to the highest office but one in their gift; and the loss of a statesman like him, so honored, and so worthy of the honor bestowed, is felt to be a public calamity by this department of government, as well as by that to which he more immediately belonged. And as a token of their respect for him while living, and their sincere sorrow for his death, the Court will adjourn to-day without transacting its ordinary business.

After the extracts, nothing remains to be said, nothing indeed can be said, without repetition, relative to the character of Col. King. Only one fact need be added, which has not been referred to in the notice of his social life—he never married.

For many years, the author of this work was honored with the friendship and correspondence of Col. King. The following letter, lately rescued from a collection of old papers, is here subjoined, as well for the sentiments and the prophetic sagacity disclosed, as a gratifying token of his favor:

WASHINGTON CITY, August 16, 1848.

*My Dear Sir*—I am greatly mortified that an earlier answer has not been given to your very friendly letter; but it was received while I was laboring under chill and fever, which I had contracted at the North by imprudent sea-bathing—was put away by my servant, and not found until to-day, when I was arranging my papers preparatory to leaving the city.

I thank you for the flattering terms in which you express your gratification at my appointment by the Governor. I hope you are correct in supposing that it will meet with general approbation; for leaving out of view all personal considerations, I should regret exceedingly to find that my selection had in the slightest degree impaired the well-deserved popularity of my friend Chapman. Is there no danger of this in the Northern portion of our State? Will not the disappointed aspirants for Senatorial honors in that quarter unite in effort to create sectional

jealousy, and thus, if successful, not only bring it to bear upon me, but upon the Governor? I believe I am authorized to say that the attempt will be made, but how far it will succeed with an intelligent people, remains to be seen; and I assure you, in all sincerity, that I should regret it more for my friends than for myself.

To establish as a rule that residence is to be considered an essential requisite to entitle an individual to the support of the Legislature, for the high and responsible station of United States Senator, I have ever considered as ridiculous. Senators should be chosen for their intelligence, information, integrity, and correct political principles; and reside where they may within the limits of the State, they will consider themselves—as they are in fact—representatives of the whole State, and not of a section. Far be it from me to intimate that there are not gentlemen residing in the northern portion of Alabama who possess, in a much higher degree than myself, the requisite qualifications for the able discharge of the duties of the station, and should such a one be preferred, I shall be the last to complain; while I am free to declare that I should think great injustice would be done both to myself and to the State, if an inferior man should be preferred, because of his residence.

The manifest determination of a large majority of the inhabitants of the non-slaveholding States to prohibit the extension of slavery, by excluding it from the Territories, the common property of all the States, threatens consequences the most alarming. The end none can foresee, and the purest are forced to doubt the permanency of the Union. That . . . . . is fanning the flames of discord to gratify his ambition or revenge; and should he succeed in building up a geographical party capable of controlling the action of the Government, I for one will be forced to the conclusion that the days of the Republic are numbered.

The election of General Cass may, and I think will, force a compromise of this agitating question; hence, it seems to me, that every Southern man who loves his country, and would preserve inviolate its institutions, should give a decided support to Cass and Butler. . . . . has learned to his cost that his disorganizing attempts found no favor with the Democracy; and further, that he has been deserted, if not denounced, by those who patted him on the back, and urged him forward in his mad career, so soon as they found he was frowned down by an indignant people.

I do not expect to see you before October, as my health is not good, and I propose to visit some of the watering places for its restoration. If, however, I could suppose that there was any necessity for exertion to secure the vote of Alabama to the Democratic nominees, no consideration should prevent me from returning without delay, to unite with my brethren in sustaining the good cause. But no such necessity exists; and whatever hopes inspire the Whigs by the defection of the few professing Democrats, they will, I trust, find that Alabama will be the Banner State next November.

Present my kindest regards to my friends, Benson and Graham. Faithfully,  
your friend and obedient servant,

WILLIAM R. KING.

WM. GARRETT, Esq.

## CHAPTER XXXIX.

*William Lowndes Yancey—His Public Life and Character.*

The gentleman whose name heads this chapter was a native of South Carolina, born August 10, 1814. His father, the Hon. Benjamin C. Yancey, studied law in Baltimore, in the office of Robert Goodloe Harper, a celebrated lawyer and statesman. He afterward settled in Abbeville District, and, in 1808, married Miss Caroline Bird, of Georgia. He was elected to the Legislature, in 1812, and was appointed Aid to Gov. Alston, with the rank of Colonel. In 1814, he was of the Committee of two who examined George McDuffie and John Belton O'Neall, for admission to the bar. Both of these gentlemen became eminent in their profession; the former serving as a Representative in Congress, from 1821 to 1835, and in the United States Senate from 1843 to 1849, after having been Governor of South Carolina; Judge O'Neall was, for a long period, a member of the Legislature, and then President of the Law Court of Appeals and the Court of Errors. In 1859, he published "Biographical Sketches of the Bench and Bar of South Carolina," in which the public services, fine debating powers, professional character, and the fearless qualities of Mr. B. C. Yancey are noticed with much eulogy. These traits were inherited by his son. In closing the sketch, (vol. ii, p. 324,) Judge O'Neall says:

Mr. Yancey was remarkable for his courage. He showed it in early youth, in the affair with the French frigate, and in all after life. He was courteous as brave; I never saw him rude in court or in the Legislature. He died, [1817] as it were, in the morning of life, and the tears of the State were shed upon his early grave. He was mourned by his widow, and two sons, William L. Yancey, now of Montgomery, Alabama, and Benjamin C. Yancey, now the United States Minister to the Argentine Republic.

These preliminary observations on his parentage are not made with a view to give strength to the character of Mr. W. L. Yancey, beyond his own merits, but are merely intended to account, in a natural way, for that decision and force of will which distinguished him through life. The narrative is now resumed.

After completing his education, Mr. Yancey came to Alabama about the year 1836, and engaged in planting in Dallas county. He also edited for a while the "Cahawba Democrat." Thence he settled in Wetumpka, and took charge of the "Argus," a Demo-

cratic paper, and was admitted to the bar. He soon obtained a good practice, and his course was onward.

He was a delegate in the Democratic Convention of December, 1840, to organize the party, after its National defeat for the Presidency, and was among the leading debaters in that body of able men, of which Col. Isaac W. Hayne, then of Montgomery, was a member, and who, a few years thereafter, returned to his native South Carolina, of which State he has been many years the Attorney-General.

In 1841, Mr. Yancey was elected to the House from Coosa, and in 1843, he was returned to the Senate from the District composed of Coosa and Autauga counties, over his competitor, W. W. Morris, Esq. In 1844, he resigned, and canvassed for the seat in Congress vacated by the Hon. Dixon H. Lewis, who had received the Executive appointment of United States Senator. In this contest Mr. Yancey was successful over Henry C. Lea, Esq. During the session of Congress for 1844-'5, some personal remarks were passed in the House between Mr. Yancey and the Hon. Thomas L. Clingman, of North Carolina, in which a call to the field of honor, and a hostile meeting was the result. After an exchange of shots without injury to either party, a reconciliation, at the instance of mutual friends, took place, and they returned to Washington—the personal honor of each gentleman having been fully vindicated by the proceedings.

In 1845, Mr. Yancey was reëlected to Congress, but resigned his seat in 1846, to engage in the law partnership of Elmore & Yancey at Montgomery. In 1848, he was a delegate to the Democratic Convention at Baltimore, which nominated Gen. Cass for the Presidency. Dissatisfied with the platform of principles adopted by that Convention, he withdrew, and stood aloof during the contest. The moral influence of such a position, by a gentleman occupying the high ground he did, had a damaging effect upon the party, and, for the time, modified his relations to it. While the heated contest of 1849, for Congress, was progressing between Messrs. Hilliard and Pugh, Mr. Yancey entered the list, warmly for the latter, who, however, was defeated. In the times of 1851, he ranked as a "fire-eater," and being dissatisfied with the platforms of both the great parties, in 1852, especially upon the Compromise Measures of 1850, he refused to vote for either nominee for President, preferring to support a Southern ticket composed of Troup and Quitman, for the first and second offices in the Union.

In 1856, all dissensions had been quieted, and he was in full accord with the Democratic party, and was at the head of the Electoral ticket which cast the vote of Alabama for Mr. Buchanan. In 1859, it was understood that he desired a seat in the United States Senate, and at the session of the Legislature that year, a

canvass was prosecuted in his behalf, against Gov. Fitzpatrick, in view of the election two years in advance of the end of his term. But the resolution to bring on this election was defeated in the Senate, and thus terminated the exciting canvass.

In the Winter of 1859, the State Democratic Convention assembled to provide for representation in the Charleston Convention, of April, 1860. Mr. Yancey was placed at the head of the delegation, with a platform suited to his views, and which was extensively circulated and read at that time, and the failure to adopt which, by the National Convention, resulted in its disruption, and in the formation of another party, which was fully consummated at Baltimore in June, 1860, whither the Convention adjourned. Mr. Yancey had become a leading spirit in the Southern movement, and was sent to Baltimore, where he exerted a controlling influence in shaping and directing the mighty events of that period. His transcendent ability as a speaker caused him to enter largely in the contest, by yielding to the request of friends from Boston to Memphis.

The Legislature, at its session in 1859, having provided for the call of a State Convention, to take such course as might be necessary for the honor of the State, and for the security of the rights of the people, in the event of the election of a sectional candidate to the Presidency in 1860, and that contingency having occurred, Mr. Yancey was, in December, 1860, elected a delegate to the State Convention of January, 1861, and was Chairman of the Committee, in that body, which reported—

AN ORDINANCE TO DISSOLVE THE UNION BETWEEN THE STATE OF ALABAMA AND OTHER STATES UNDER THE COMPACT "THE CONSTITUTION OF THE UNITED STATES OF AMERICA."

WHEREAS, The election of Abraham Lincoln and Hannibal Hamlin to the offices of President and Vice-President of the United States of America, by a sectional party avowedly hostile to the domestic institutions, and to the peace and security of the people of the State of Alabama, preceded by many and dangerous infractions of the Constitution of the United States by many of the States and people of the Northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security; therefore,

*Be it declared and ordained by the people of the State of Alabama, in Convention assembled, That the State of Alabama now withdraws, and is hereby withdrawn, from the Union known as "the United States of America," and is, and of right ought to be, a sovereign and independent State.*

SEC. 2. *Be it further declared and ordained, by the people of the State of Alabama in Convention assembled, That all the powers over the territory of said State, and over the people thereof, heretofore delegated to the Government of the United States, be, and they are, hereby withdrawn from said Government, and are hereby resumed and vested in the people of the State of Alabama.*

*Be it Resolved by the people of Alabama in Convention assembled, That the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky, and Missouri, be and are hereby invited to meet the people of the State of Alabama, by their delegates, in Convention, on the 4th day of February, A. D. 1861,*

at the city of Montgomery, in the State of Alabama, for the purpose of consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security.

*And be it further Resolved,* That the President of this Convention be, and is hereby, instructed to transmit forthwith, a copy of the foregoing preamble, ordinance, and resolutions, to the Governors of the several States named in said resolutions.

Done by the people of the State of Alabama, in Convention assembled at Montgomery, on this, the eleventh day of January, A. D. 1861.

The preamble, ordinance, and resolutions, were adopted, by ayes 61, nays 39.

It will be no disparagement to any member of the Convention when it is said that Mr. Yancey was the master spirit, towering above all others, in the boldness of his conceptions, in the energy of his measures, and in the splendid gifts of argumentative eloquence. He, of course, took an active part in the proceedings and debates.

As Chairman, he made a report from the Committee of Thirteen, upon the formation of a Provisional and Permanent Government between the seceding States. Besides his speech on that subject, and on the merits of secession, he delivered speeches more or less elaborate on a variety of reports, motions and amendments, all tending to perfect the system of Government which he advocated. He also made speeches on the proposition to send Commissioners to Washington City; on the navigation of the Mississippi River; and on the African slave trade.

Soon after the organization of the Government of the Confederate States, President Davis, in March, 1861, appointed Mr. Yancey a Commissioner to England and France, to procure from those governments terms of recognition. Failing in this object, after visiting Europe, he returned in the Summer of 1862, and soon thereafter took his seat in the Confederate States Senate, at Richmond, to which he had been elected by the Legislature of Alabama. He occupied the position at the time of his death, which occurred at his residence, near Montgomery, in July, 1863, in the forty-ninth year of his age.

Seldom has so much of history been crowded into twenty-two years of civil service. It is not my province to determine, or to pass judgment on the many grave questions which for years occupied the minds of men, under the lead or inspiration of Mr. Yancey. In his political career, he was regarded by many as erratic and speculative, rather than practical, and by others his course was looked upon as wholly indefensible, though none questioned his great intellectual superiority, or his patriotism. The character of the measures for which he contended as a Southern man, may form a topic of inquiry for the future historian, when the passions of

men shall have subsided, and the facts and influences shall be grouped by an impartial judgment. No such task can be successfully performed at present, and nothing of the kind will be here attempted. As a man of splendid gifts he has left a record which will descend to other generations.

As an orator, Mr. Yancey ranked among the first men of his day, and from the Halls of the Legislature, to the great array in Congress, in the Charleston and Baltimore Conventions—in every deliberative body in which he took part, he was a man of mark. Still, however, to some extent, he was regarded as an unsafe leader, and, for a long time, men hesitated to follow his counsels, until 1860, when his commanding eloquence, and advocacy of the rights of the South, and denunciation of the wrongs inflicted upon it by the North, in the language of his Slaughter letter, fired the public heart, and plunged the cotton States into revolution:

MONTGOMERY, June 15, 1858.

*Dear Sir*—Your kind favor of the 15th is received. I hardly agree with you that a general movement can be made that will clear out the Augean stables. If the Democracy were overthrown, it would result in giving place to a greater and hungrier swarm of flies. The remedy of the South is not in such a process; it is in a diligent organization of her true men for prompt resistance to the next aggression. It must come in the nature of things. No national party can save us—no sectional party can ever do it; but if we could do as our fathers did, organize committees of safety all over the cotton States—and it is only in them that we can hope for an effective movement—we shall fire the Southern heart, instruct the Southern mind, give courage to each other, and at the proper moment, by one organized, concerted action, we can precipitate the cotton States into a revolution.

The idea has been shadowed forth in the South by Mr. Ruffin—has been taken up and recommended in the "Advertiser" under the name of "League of United Southerners," who, keeping up their old party relations on all other questions, will hold the Southern issue paramount, and will influence parties, Legislatures, and statesmen. I have no time to enlarge, but to suggest merely.

W. L. YANCEY.

JAMES S. SLAUGHTER, Esq.

I heard Mr. Yancey make his great argument for the South, at the Charleston Convention. He and the Hon. George E. Pugh, United States Senator from Ohio, were selected by the respective wings of the Democratic party, as their representatives upon the rostrum, and they both addressed the Convention in set speeches of two hours each. It was truly a contest of giants. Mr. Yancey had the advantage of a Southern audience, but Mr. Pugh commanded and received a respectful hearing. Mr. Yancey, while rich in his pathetic appeals for justice to the South, was massive in argumentation, and like a thunderbolt in denouncing what he considered aggression and bad faith on the part of Northern fanatics. In style and temperament Mr. Pugh was more subdued, and more on his guard, having taken lessons as a public speaker in the Senate of the United States, which, at one time, was the most dignified legislative body in the world. Although addressing

a Southern audience which was under the full inspiration produced by the speech of Mr. Yancey, the Ohio orator came fully up to the mark of an able statesman in the quality and manner of his arguments. At all times his style was chaste and classical, and occasionally it was most ornate and captivating. It is seldom that two such men have met each other in the forum of debate.

As the proceedings at the Charleston Convention were remarkable, before a satisfactory platform could be adopted for the National Democracy, and as, after a spirited session of ten days, it adjourned without making a nomination for President, and then reassembled at Baltimore in two separate wings, with two distinct nominations for President and Vice-President, I think the public mind and wishes will be consulted, in giving an outline of the *doctrines, creeds, and abstractions* insisted upon in that able assemblage of Northern and Southern politicians, all professedly, and no doubt, honestly, endeavoring to uphold the true democratic principles of the Government. As the question of slavery in one shape or other produced all the dissensions, and as it ultimately led to the war of 1861-'65, no details could be more interesting to those who wish to review the action of that period, or to those persons of another generation who will naturally feel curious to know the facts, and the ground taken by the respective actors in the preliminary drama. Mr. Yancey having been identified with the whole movement from 1850, no place could be more suitable to introduce it, than these pages on his life and character.

The Convention at Charleston met in the Hall of the South Carolina Institute, on Monday, April 23, 1860—about three hundred and three delegates being entitled to seats, to correspond with the number of Senators and Representatives in Congress, with the right of each State to cast its quota on all questions submitted to a general vote. Thirty-two States appeared to be represented when the first vote was taken by States, which was on a call for the previous question on a resolution to appoint two Committees, one of which related to the conflicting claims for seats of two delegations from Illinois and New York—yeas 244, nays 54. The next vote showed yeas 259, nays 44; in all 303. Portions of the Journal of the Convention will be referred to, in which the names of a few delegates appear, with such other passages as are deemed pertinent.

On the Committee for permanent organization, consisting of one from each State, A. B. Meek was appointed for Alabama. The officers, reported on the second day, were, the Hon. CALEB CUSHING, of Massachusetts, for President of the Convention, and a Vice-President and Secretary to each State—Robert G. Scott, formerly of Virginia, and N. H. R. Dawson, for those positions from Alabama. On being conducted to the Chair, as the presiding

officer, Mr. Cushing delivered a brief address, of which the following is an extract:

Gentlemen, you come here from the green hills of the Eastern States—from the rich States of the imperial centre—from the sun-lighted plains of the South—from the fertile States of the mighty basin of the Mississippi—from the golden shores of the distant Oregon and California [loud cheers]: you have come hither in the exercise of the highest functions of a free people—to participate, to aid, in the selection of the future rulers of the Republic. You do this as the representatives of the party—of that great party of the Union, whose proud mission it has been, whose proud mission it is, to maintain the public liberties—to reconcile popular freedom with constituted order—to maintain the sacred, reserved rights of the sovereign States [loud and long applause]—to stand, in a word, the perpetual sentinels on the outposts of the Constitution. [Loud cheers.] Ours, gentlemen, is the motto inscribed on that scroll in the hands of the monumental statue of the great statesman of South Carolina—“Truth, Justice, and the Constitution!” [Loud cheers.] Opposed to us are those who labor to overthrow the Constitution, under the false and insidious pretense of supporting it; those who are aiming to produce in this country a permanent sectional conspiracy of one-half of the States of the Union against the other half; those who, impelled by the stupid and half-insane spirit of faction and fanaticism, would hurry our land on to revolution and to civil war. These, the banded enemies of the Constitution, it is the part, the high and noble part of the Democratic party, to withstand—to strike down and to conquer! Aye! that is our part, and we will do it; in the name of our dear country, with the help of God, we will do it. [Loud cheers.] Aye, we *will* do it—for, gentlemen, we will not distrust *ourselves*; we will not despair of the genius of our country; we will continue to repose, with undoubting faith, in the good Providence of Almighty God.

A Committee on Resolutions and Platform, consisting of one delegate from each State, was appointed, on which Alabama was represented by John Erwin, Esq.

At the suggestion of Mr. Ewing, of Tennessee, it was agreed that the several resolutions be referred to the Committee on Platform. Judge Meek, of Alabama, presented to the Convention the Platform of his State, which was referred, under the rule.

On the fourth day, a number of resolutions were offered, read, and referred to the Committee on Platform.

### I. By MR. FITZHUGH, of Virginia:

*Resolved*, That the rendition of fugitive slaves and other property, by one State to another is a right secured by the laws of nations, recognized by the Colonies and the mother-country previous to the Declaration of Independence, by the courts of Great Britain, and by the Supreme Court of the United States, and by the law and courts of all civilized nations, and *a fortiori* is a duty of the States of this Confederacy, under the Constitution and laws.

*Resolved*, That the refusal of the Governors of the several States to deliver up fugitives from justice, and fugitive slaves, is an open and palpable violation of the above national and international law, and the Constitution and laws of the United States, constituting official perjury by such Governors as have evaded or refused to perform this duty, and, if persevered in, must lead to the severance of the Union.

### II. By MR. HUGHES, of Pennsylvania:

*Resolved*, That, while recognizing the doctrine that the General Government has no power to create in, or exclude from, by legislation, any species of property in

any State or Territory, yet we maintain that it is the duty of that Government to provide the Courts with ample process and ministerial officers for the protection and enforcement of any existing right, or the correction of any wrong, over which said Government, under the Constitution, has jurisdiction.

### III. By MR. BROWNE, of Pennsylvania:

*Resolved*, That the citizens of the several States, when emigrating into a Federal Territory, retain the right to slave and other property which they may take with them, until there is some prohibition by lawful authority; and that, as declared by the Supreme Court, Congress cannot interfere with such right in a Territory, nor can a Territorial Legislature do so until authorized by the adoption of a State Constitution; and that the attempted exercise of such a function by a Territorial Legislature is unconstitutional, and dangerous to the peace of the Union.

MR. WALKER, of Alabama, offered an additional resolution, by way of amendment, which was accepted by Mr. Browne, as follows:

*Resolved*, That it is the duty of the Federal Government, in all its departments, within their constitutional sphere, to afford adequate protection and equal advantage to all descriptions of property recognized as such by the laws of any of the States, as well within the Territories as upon the high seas, and every place subject to its exclusive power of legislation.

### IV. By MR. WALL, of Tennessee, as the platform advocated by that State:

*Be it resolved*, That we hereby affirm the principles in the platform of the Democratic party, adopted in Convention at Cincinnati, in June, 1856, and that we hold them to be a true exposition of our doctrines on the subjects embraced.

*Resolved*, That the views expressed by the Supreme Court of the United States in the decision of the case of "Dred Scott," are, in our opinion, a true and clear exposition of the powers reposed in Congress upon the subject of the Territories of the United States, and the rights guaranteed to the residents in the Territories.

*Resolved*, That the States of the Confederacy are equals in political rights; each State has the right to settle for itself all questions of internal policy. The right to have or not to have slavery, is one of the prerogatives of self-government. The States did not surrender this right to the Federal Constitution, and Tennessee will not do so now.

*Resolved*, That the Federal Government has no power to interfere with slavery in the States, nor to introduce or exclude it from the Territories, and no duty to perform in relation thereto, but to protect the rights of the owner from wrong, and to restore fugitives from labor. These duties it cannot withhold without a violation of the Constitution.

*Resolved*, That the organization of the Republican party upon strictly sectional principles, and its hostility to the institution of slavery, which is recognized by the Constitution, and which is inseparably connected with the social and industrial pursuits of the Southern States of this Confederacy, is war upon the principles of the Constitution, and upon the rights of the States.

*Resolved*, That the late treasonable invasion of Virginia by an organized band of Republicans, was the necessary result of the doctrines, teachings, and principles of that party; and the beginning of the "irrepressible conflict" of Mr. Seward; was a blow aimed at the institution of slavery by an effort to excite a servile insurrection; was war upon the South, and as such it is the duty of the South to prepare to maintain its rights under the Constitution.

*Resolved*, That if this war upon the Constitutional rights of the Southern States is persisted in, it must soon cease to be a war of words. If the Republican party would prevent a *conflict of arms*, let them stand by the Constitution, and fulfil its obligations. We ask nothing more—we will submit to nothing less.

## V. By MR. WOLFE, of Indiana:

*Resolved*, That the Federal Government has no power to interfere with slavery in the States, nor to introduce or exclude it from the Territories, and no duty to perform in relation thereto, except to faithfully enforce the Fugitive Slave Law, and all the decisions of the Supreme Court of the United States in regard to all the rights of the people of every State and Territory under the Constitution of the United States.

## VI. By MR. GLENN, of Mississippi:

1. A citizen of any State in the Union may emigrate to the Territories with his property, whether it consists of slaves or any other subject of personal ownership.

2. So long as the territorial condition exists, the relation of master and slave is not to be disturbed by Federal or Territorial legislation, and if so disturbed, the Federal Government must furnish ample protection therefor.

3. Whenever a Territory shall be entitled to admission into the Union as a State, the inhabitants may, in forming their Constitution, decide for themselves whether it shall authorize or exclude slavery.

## VII. By MR. MOUTON, of Louisiana:

*Resolved*, That the Territories of the United States belong to the several States as common property, and not to the individual citizens thereof; that the Federal Constitution recognizes property in slaves, and as such, the owner thereof is entitled to carry his slaves into any Territory of the United States, and hold them as property. And in case the people of Territories, by inaction, unfriendly legislation, or otherwise, should endanger the tenure of such property, or discriminate against it by withholding that protection given to this species of property in the Territories, it is the duty of the General Government to interpose, by an active exertion of its Constitutional powers, to secure the rights of slave-holders.

## VIII. By MR. GREENFIELD, of Kentucky:

*Resolved*, That it is the duty of the National Government to provide, by law, for paying for such fugitives from labor as, by the interposition of State authorities, the owners thereof may be prevented from recovering under the Fugitive Slave Law.

## IX. By MR. STOUT, of Oregon:

*Resolved*, That to preserve the Union, the equality of the States must be maintained, and every branch of the Federal Government should exercise all their Constitutional powers for the protection of persons and property.

## X. By MR. McCONNELL, of Illinois:

*Resolved*, That the Federal Government has no power to interfere with slavery in the States, or to introduce it or exclude it from the Territories, and has no duty to perform in relation thereto, except to secure the rights of the owner by a return of the fugitive slave, as provided by the Constitution.

## XI. By MR. SEWARD, of Georgia:

*Resolved*, That the Constitution of the United States extends to the several States, and to every citizen, the full protection of person and property in all the States and Territories; and that these rights, as declared and determined by the courts under the Constitution, are to be respected and maintained by the Government of the United States; and that James Guthrie, of Kentucky, be the nominee of the Democratic party for President of the United States, on this platform.

At this point, when resolutions on slavery, on a railroad to the Pacific, on a tariff for protection, came pouring in rapidly, occupying much time in the reading, Mr. Pugh, of Ohio, moved that every resolution be presented directly to the Committee, without being read in the Convention; which motion prevailed.

The two following resolutions, already in possession of the Chair, were then read and referred:

XII. By MR. BROOKS, of Alabama:

*Resolved*, That it is the duty of the Federal Government, by proper treaty stipulations with Great Britain, to secure the return to their owners of fugitive slaves from Canada.

XIII. By MR. WEST, of Connecticut:

*Resolved*, That we fully indorse the Cincinnati Platform, passed by the Democratic Convention in 1856, and we hereby sustain and maintain the same, and the Constitution of the United States, as interpreted by the Supreme Court.

On the fifth day of the Convention, reports were made from majorities and minorities of the Committee on Resolutions, on which action was had not necessary to be here noticed. The Journal states that, in the afternoon session, "Mr. Yancey, of Alabama, addressed the Convention at length in exposition of resolutions adopted by the State of Alabama," and that "the debate was continued by Mr. Pugh, of Ohio, when the Convention took a recess."

On the sixth day, Mr. BIGLER, of Pennsylvania, moved to recommit the majority and minority reports, including the second minority report of Mr. B. F. Butler, of Massachusetts, on which he moved the previous question; pending which Mr. COCHRANE, of New York, rose to a point of order, for the purpose of amending the instructions to the Committee, requiring them to report as follows:

*Resolved*, That the several States of the Union are, under the Constitution, equal, and that the people thereof are entitled to the free and undisturbed possession and enjoyment of their rights of person and property in the common Territories, and that any attempt by Congress, or a Territorial Legislature, to annul, abridge, or discriminate against any such equality of rights, would be unwise in policy, and repugnant to the Constitution; and that it is the duty of the Federal Government, whenever such rights are violated, to afford the necessary, proper, and Constitutional remedies for such violations.

*Resolved*, That the platform of principles adopted by the Convention held in Cincinnati in 1856, and the foregoing resolution, are hereby declared to be the Platform of the Democratic party.

The call for the previous question was sustained by a vote of 302 yeas to 1 nay—the State of Maryland casting the single negative vote. The vote was then taken by States, on the motion to recommit only, and carried—yeas 152, nays 151. After several

explanations by the Chair on motions made, the resolutions of Mr. BIGLER, instructing the Committee, were laid on the table, by a vote of 242 yeas—56 nays. In the afternoon session, reports were made by the Committee on Resolutions from the majority and minority each.

At the morning session of Monday, the seventh day of the Convention, the first vote taken was on the amendment of Mr. Butler, which was lost—yeas 105, nays 198. The question then recurred on adopting the minority report presented by Mr. SAMUELS, of Iowa. [See Democratic Platform, affirmed at Baltimore, originally adopted at Charleston.]

On the question being asked by Mr. RANDALL, of Pennsylvania, how many names were attached to the several reports, Mr. BUTLER replied that seventeen had signed the majority report, four had agreed with him in his report, and eleven had agreed to the report of Mr. SAMUELS.

The vote was then declared, and the minority resolutions were adopted—yeas 165, nays 138.

The question then was on adopting the report as amended, when Mr. Butler moved for a division of the question, so as to take the vote on the first proposition to adopt the Cincinnati platform first. At this stage, the Journal says that "Mr. ASHE, of North Carolina, made an earnest appeal to the North to pause before consummating this action. It could but lead to division and ruin; for as a representative of North Carolina he could not remain in the Convention if this platform was adopted."

Many points of order were then taken, and motions to lay on the table were made and lost. Finally, the vote was taken on adopting the preamble of the minority report, and the resolution to abide by the decision of the Supreme Court, relative to slavery in the Territories, when the preamble and resolution were rejected—yeas 21, nays 238. On this question, the States of Georgia, Florida, Alabama, Louisiana, Mississippi, and Arkansas, did not vote. The other resolutions, in addition to the Cincinnati platform, were then adopted.

To introduce here certain documents from Alabama, copies are made from the Journal of the Convention:

After debate, Mr. WALKER, of Alabama, obtained the floor, and presented the following paper to the Convention—

*To the Hon. Caleb Cushing, President of the Democratic National Convention, now in session in the City of Charleston, South Carolina:*

The undersigned delegates, representing the State of Alabama in this Convention, respectfully beg leave to lay before your honorable body the following statement of facts—

On the eleventh day of January, 1860, the Democratic party of the State of Alabama met in Convention, in the city of Montgomery, and adopted, with singular unanimity, a series of resolutions herewith submitted:

## "RESOLUTIONS OF THE DEMOCRATIC STATE CONVENTION.

"1. *Resolved by the Democracy of the State of Alabama, in Convention assembled,* That holding all issues and principles upon which they have heretofore affiliated and acted with the National Democratic party, to be inferior in dignity and importance to the great question of slavery, they content themselves with a general re-affirmance of the Cincinnati Platform as to such issues, and also indorse said platform as to slavery, together with the following resolutions—

"2. *Resolved further,* That we reaffirm so much of the first resolution of the platform adopted in Convention by the Democracy of this State, on the 8th of January, 1856, as relates to the subject of slavery, to-wit: 'The unqualified right of the people of the slaveholding States to the protection of their property in the States, in the Territories, and in the wilderness in which Territorial Governments are yet unorganized.'

"3. *Resolved further,* That in order to meet and clear away all obstacles to a full enjoyment of this right in the Territories, we reaffirm the principles of the 9th resolution of the platform adopted by the Democracy of this State on the 14th of February, 1848, to-wit: 'That it is the duty of the General Government, by all proper legislation, to secure an entry into those Territories to all the citizens of the United States, together with their property of every description, and that the same should remain protected by the United States while the Territories are under its authority.'

"4. *Resolved further,* That the Constitution of the United States is a compact between sovereign and co-equal States, united upon the basis of perfect equality of rights and privileges.

"5. *Resolved further,* That the Territories of the United States are common property, in which the States have equal rights, and to which the citizens of every State may rightfully emigrate with their slaves or other property, recognized as such in any of the States of the Union, or by the Constitution of the United States.

"6. *Resolved further,* That the Congress of the United States has no power to abolish slavery in the Territories, or to prohibit its introduction into any of them.

"7. *Resolved further,* That the Territorial Legislatures, created by the Legislation of Congress, have no power to abolish slavery, or to prohibit the introduction of the same, or to impair, by unfriendly legislation, the security and full enjoyment of the same within the Territories; and such constitutional power does not belong to the people of the Territories in any capacity, before, in the exercise of a lawful authority, they form a Constitution preparatory to admission as a State into the Union; and their action in the exercise of such lawful authority certainly can not operate to take effect before their actual admission as a State into the Union.

"8. *Resolved further,* That the principles enunciated by Chief Justice Taney, in his opinion in the Dred Scott case, deny to the Territorial Legislature the power to destroy or impair, by any legislation, whatever, the right of property in slaves, and maintain it to be the duty of the Federal Government, in all of its departments, to protect the rights of the owner of such property in the Territories; and the principles so declared are hereby asserted to be the rights of the South, and the South should maintain them.

"9. *Resolved further,* That we hold all of the foregoing propositions to contain cardinal principles, true in themselves, and just and proper, and necessary for the safety of all that is dear to us, and we do hereby instruct our delegates to the Charleston Convention to present them for the calm consideration and approval of that body, from whose justice and patriotism we anticipate their adoption.

"10. *Resolved further,* That our delegates to the Charleston Convention are hereby expressly instructed to insist that said Convention shall adopt a platform of principles, recognizing distinctly the rights of the South, so asserted in the foregoing resolutions; and if the said National Convention shall refuse to adopt, in substance, the propositions embraced in the preceding resolutions, prior to nominating candidates, our delegates to said Convention are hereby positively instructed to withdraw therefrom.

"11. *Resolved further,* That our delegates to the Charleston Convention shall cast the vote of Alabama as a unit, and a majority of our delegates shall determine how the vote of the State shall be given.

"12. Resolved further, That the Executive Committee, to consist of one from each Congressional District, shall be appointed, whose duty it shall be, in the event our delegates withdraw from the Charleston Convention, in obedience to the 10th resolution, to call a Convention of the Democracy of Alabama, to meet at an early day, to consider what is best to be done."

Under these resolutions the undersigned received their appointment, and participated in the action of this Convention.

By the resolution of instruction—the tenth in the series—we were directed to insist that the platform adopted by this Convention should embody "in substance," the propositions embraced in the preceding resolutions, prior to nominating candidates.

Anxious, if possible, to continue our relations with this Convention, and thus to maintain the nationality of the Democratic party, we agreed to accept as the substance of the Alabama platform, either of the two reports submitted to this Convention by a majority of the Committee on Resolutions—this majority representing not only a majority of the States of the Union, but also the *only* States likely to be carried by the Democratic party in the Presidential election.

[Here is annexed to Mr. Walker's statement a copy of the first and second majority reports, which had been indorsed in the Committee on Resolutions by every Southern State; but it had been the pleasure of the Convention, by an almost exclusive sectional vote, to adopt a platform which did not embody the principles of the Alabama resolutions. This platform is substantially that adopted at Charleston, and readopted at Baltimore, Front Street Theater.]

The points of difference between the Northern and Southern Democracy are thus stated in a communication to the President of the Convention:

1st. As regards the *status* of slavery, as a political institution, in the Territories, whilst they remain in the Territories, and the power of the people of a Territory to exclude it by unfriendly legislation.

And 2d. As regards the duty of the Federal Government to protect the owner of slaves in the enjoyment of his property in the Territory, so long as they remain such.

This Convention has refused, by the platform adopted, to settle either of these propositions in favor of the South. We deny to the people of a Territory any power to legislate against the institution of slavery; and we assert that it is the duty of the Federal Government, in all its departments, to protect the owner of slaves in the enjoyment of his property in the Territories. These principles, as we state them, are embodied in the Alabama Platform.

Here, then, is a plain, explicit, and direct issue between this Convention and the constituency we have the honor to represent in this body. Instructed, as we are, not to waive this issue, the contingency, therefore, has arisen when, in our opinion, it becomes our duty to withdraw from this Convention.

We beg, sir, to communicate this fact through you, and to assure the Convention—that we do so in no spirit of anger, but under a sense of imperative obligation—properly appreciating its responsibilities, and cheerfully submitting to its consequences.

|   |                        |                   |
|---|------------------------|-------------------|
| L. P. WALKER, Chairman.   | JOHN W. PORTIS,        | P. O. HARPER,     |
| F. S. LYON,   | F. G. NORMAN,          | R. CHAPMAN,       |
| JOHN A. WINSTON,  | J. C. GUILD,           | ROBERT G. SCOTT,  |
| H. D. SMITH,  | JULIUS C. B. MITCHELL, | THOMAS B. COOPER, |
| W. L. YANCEY,   | G. G. GRIFFIN,         | PEYTON G. KING,   |
| D. W. BAINE,  | J. T. BRADFORD,        | J. R. BREARE,     |
| N. H. R. DAWSON,  | T. J. BURNETT,         | W. GARRETT,       |
| R. M. PATTON,   | A. G. HENRY,           | A. W. DILLARD,    |
| JOHN ERWIN,   | W. C. SHERROD,         | A. B. MEEK,       |
| W. G. McIVER,   | WILLIAM M. BROOKS,     | M. J. BULGER,     |
| LEWIS L. CATO, [Delegate appointed, but not participating in the Convention.] |                        |                   |

Judge MEEK offered the following resolution, which was unanimously adopted:

*Resolved*, That in the event the Alabama delegation should withdraw from the Convention, no delegate, or any other person, shall thenceforward have any authority to represent Alabama upon the floor of this Convention, or to cast the vote of Alabama therein; and that our Chairman be instructed to so inform said Convention.

Then followed in succession the protests against the action of the majority in adopting the platform, and the withdrawal from the Convention of the delegates from Mississippi, Louisiana, South Carolina, Florida, Texas, and Arkansas. A majority of the delegates from Georgia (26) also withdrew—ten remaining, who, under instructions from home to cast the vote of the State as a unit, were ruled by the Chair as not entitled to vote.

The two-thirds rule of the whole number of Electoral votes (303) in the Union, having been adopted, and 202 declared necessary to a nomination for President of the United States, the Convention, at the afternoon session of the eighth day, May 1st, proceeded to ballot for the first time, when Mr. Caldwell, of Kentucky, placed JAMES GUTHRIE, in nomination. Mr. Patrick, of California, placed DANIEL S. DICKINSON in nomination. Mr. Russell, of Virginia, presented the name of ROBERT M. T. HUNTER. Mr. Ewing, of Tennessee, presented the name of ANDREW JOHNSON; and Mr. Stevens, of Oregon, the name of Gen. JOSEPH LANE. The first ballot resulted as follows:

|              |      |                |    |
|--------------|------|----------------|----|
| Douglas..... | 145½ | Dickinson..... | 7  |
| Hunter.....  | 42   | Lane.....      | 6  |
| Guthrie....  | 35½  | Toucey.....    | 2½ |
| Johnson..... | 12   | Davis.....     | 1½ |
| Pierce.....  | 1    |                |    |

On the eighth and ninth days, there were fifty-seven ballots had, without a choice, the last being, for—

|                |      |             |    |
|----------------|------|-------------|----|
| Douglas.....   | 151½ | Hunter..... | 16 |
| Guthrie.....   | 65½  | Lane.....   | 14 |
| Dickinson..... | 4    | Davis.....  | 1  |

When the Convention met on the tenth day, Mr. Russell, of Virginia, offered the following resolution:

*Resolved*, That when this Convention adjourns to-day it adjourns to meet in Baltimore on the 18th day of June, in order to afford the States that are not now represented an opportunity to fill up their delegations.

Which was adopted by 166 yeas, to 88 nays. Gen. SPRATT proposed three cheers for the National Democracy, which were given enthusiastically. The Journal says:

MR. CUSHING, the President, then addressed the Convention, remarking that, notwithstanding the deep and conflicting interests involved, he might say that no

Convention having such immense interests at stake ever sat for so great a length of time with the observance of so great a share of order, and freedom from personalities or offensive language. He had endeavored most impartially and honestly to fulfil the duties of the Chair, and if, in the excitement of the moment, he had been led to use any abrupt language to gentlemen, he humbly apologized.

He regarded this Convention as not only having in its destiny the permanence of the Democratic party, but the question whether these United States should continue and endure. He would not, however, relinquish the hope that the Union would continue on to eternity, and he felt confident the Convention would adjourn to-day with the determination to do all in their power to restore harmony and confidence.

The Convention then adjourned about one o'clock.

These proceedings at Charleston are given a place here, because it is believed they form a very important chapter in history, and because Mr. Yancey was a prominent actor from the first to the last of the movement, since 1850, to secure what he conceived to be the rights of the South, through Federal legislation. The attempt of the Democratic party to adopt a system of political ethics which should harmonize the North and the South in the Presidential election of 1860, on the basis of the Constitution, was laudable in itself, and it is to be much regretted that dissensions arose in that party which so greatly impaired its strength that the sceptre of authority was wrested from it, with the worst of consequences—a dissevered Union and perhaps a military despotism.

That the ancient landmarks, and the new innovations, just as taste or policy may determine them, may appear on record, it is deemed proper to include here all the political platforms of 1860, the last battles of the forum and the pen, to be succeeded by battles of a sanguinary character in 1861. Those who desire such information in a connected shape will no doubt be gratified at the opportunity of receiving it, even though it should extend the chapter devoted to Mr. Yancey beyond the usual limits of biographies in this work.

#### THE REPUBLICAN PLATFORM, ADOPTED AT CHICAGO, MAY, 1860.

*Resolved,* That we, the delegated representatives of the Republican Electors of the United States, in Convention assembled, in the discharge of the duty we owe to ourselves and to our country, unite in the following declarations:

1. That the history of the nation during the last four years has fully established the propriety and necessity of the organization and perpetuation of the Republican party, and that the causes which called it into existence are permanent in their nature, and now, more than ever before, demand its peaceful and constitutional triumph.
2. That the maintainance of the principles promulgated in the Declaration of Independence, and embodied in the Federal Constitution, is essential to the preservation of our republican institutions; that the Federal Constitution, the rights of the States, and the Union of the States, must and shall be preserved; and that we reassert "these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights,

governments are instituted among men, deriving their just powers from the consent of the governed."

3. That to the Union of the States this nation owes its unprecedented increase in population; its surprising development of material resources; its rapid augmentation of wealth; its happiness at home, and honor abroad; and we hold in abhorrence all schemes for disunion, come from whatever source they may; and we congratulate the country that no Republican member of Congress has uttered or countenanced a threat of disunion, so often made by Democratic members of Congress, without rebuke, and with applause from their political associates; and we denounce those threats of disunion, in case of a popular overthrow of their ascendancy, as denying the vital principles of a free government, and as an avowal of contemplated treason, which it is the imperative duty of an indignant people strongly to rebuke and forever silence.

4. That the maintainance inviolate of the rights of the States, and especially the rights of each State, to order and control its own domestic institutions, according to its own judgment exclusively, is essential to the balance of power on which the perfection and endurance of our political faith depends, and we denounce the lawless invasion by armed force of any State or Territory, no matter under what pretext, as among the gravest of crimes.

5. That the present Democratic Administration has far exceeded our worst apprehensions in its measureless subserviency to the exactions of a sectional interest, as is especially evident in its desperate exertions to force the infamous Lecompton Constitution upon the protesting people of Kansas—in construing the personal relation between master and servant to involve an unqualified property in persons—in its attempted enforcement everywhere, on land and sea, through the intervention of Congress and the Federal Courts, of the extreme pretensions of a purely local interest, and in its general and unvarying abuse of the power intrusted to it by a confiding people.

6. That the people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; that a return to rigid economy and accountability is indispensable to arrest the system of plunder of the public treasury by favored partisans; while the recent startling developments of fraud and corruption at the Federal metropolis, show that an entire change of administration is imperatively demanded.

7. That the new dogma, that the Constitution of its own force carries slavery into any or all the Territories of the United States, is a dangerous political heresy, at variance with the explicit provisions of that instrument itself, with cotemporaneous exposition, and with legislative and judicial precedent, is revolutionary in its tendency, and subversive of the peace and harmony of the country.

8. That the normal condition of the territory of the United States is that of freedom; that as our republican fathers, when they had abolished slavery in all our National territory, ordained that no person should be deprived of life, liberty, or property, without the process of law, it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempt to violate it; and we defy the authority of Congress, of a Territorial Legislature, or of any individuals, to give legal existence to slavery in any Territory of the United States.

9. That we brand the recent reopening of the African slave trade, under the cover of our National Flag, aided by perversions of judicial power, as a crime against humanity, a burning shame to our country and age, and we call upon Congress to take prompt and efficient measures for the total and final suppression of that execrable traffic.

10. That in the recent vetoes by their Federal Governors of the acts of the Legislatures of Kansas and Nebraska, prohibiting slavery in those Territories, we find a practical illustration of the boasted Democratic principle of non-intervention and popular sovereignty, embodied in the Kansas and Nebraska bill, and a denunciation of the deception and fraud involved therein.

11. That Kansas should of right be immediately admitted as a State under the Constitution recently formed and adopted by her people, and accepted by the House of Representatives.

12. That while providing revenue for the support of the General Government by duties upon imposts, sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country, and we commend the policy of National exchanges, which secures to the working men liberal wages, to agriculture remunerating prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise, and to the nation commercial prosperity and independence.

13. That we protest against any sale, or alienation to others, of the public lands held by actual settlers, and against any view of the free homestead policy, which regards the settlers as paupers, or supplicants for public bounty, and we demand the passage by Congress of the complete and satisfactory homestead measure which has already passed the House.

14. That the Republican party is opposed to any change in our naturalization laws, or any State legislation by which the rights of citizenship hitherto accorded to immigrants from foreign lands shall be abridged or impaired; and in favor of giving a full and efficient protection to the rights of all classes of citizens, whether native or naturalized, both at home or abroad.

15. That appropriations by Congress, for river and harbor improvements of a National character, required for the accommodation and security of an existing commerce, are authorized by the Constitution, and justified by an obligation of the Government to protect the lives and property of its citizens.

16. That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country; that the Federal Government ought to render immediate and efficient aid in its construction, and that as a preliminary thereto a daily overland mail should be promptly established.

17. Finally, having set forth our distinctive principles and views, we invite the coöperation of all citizens, however differing on other questions, who substantially agree with us in their affirmance and support.

MR. LINCOLN'S LETTER OF ACCEPTANCE.

SPRINGFIELD, ILLINOIS, May 23, 1860.

*Hon. George Ashmun, President of the Republican National Convention:*

SIR—I accept the nomination tendered me by the Convention over which you presided, and of which I am formally apprised in the letter of yourself and others, acting as a Committee of the Convention for that purpose.

The declaration of principles and sentiments which accompanies your letter, meets my approval; and it shall be my care not to violate or disregard it, in any part.

Imploring the assistance of Divine Providence, and with due regard to the views and feelings of all who were represented in the Convention—to the rights of all the States and Territories, and the people of the nation—to the inviolability of the Constitution, and the perpetual Union, harmony and prosperity of all—I am most happy to co-operate for the practical success of the principles declared by the Convention.

Your obliged friend and fellow-citizen,

ABRAHAM LINCOLN.

THE CONSTITUTIONAL UNION PLATFORM, ADOPTED AT BALTIMORE, MAY, 1860.

WHEREAS, Experience has demonstrated that platforms adopted by the partisan Conventions of the country have had the effect to mislead and deceive the people, and at the same time to widen the political divisions of the country, by the creation and encouragement of geographical and sectional parties; therefore—

*Resolved*, That it is both the part of patriotism and of duty to recognize no political principles other than The Constitution of the Country, The Union of the States, and The Enforcement of the Laws; and that as the representatives of the Constitutional Union men of the country, in National Convention assembled, we here pledge ourselves to maintain, protect, and defend, separately and unitedly,

those great principles of public liberty and National safety, against all enemies, at home and abroad, believing that thereby peace may once more be restored to the country, the just rights of the people and of the States re-established, and the Government again placed in that condition of justice, fraternity, and equality, which, under the example and Constitution of our fathers, has solemnly bound every citizen of the United States to maintain "a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to our posterity." (Adopted by acclamation.)

MR. BELL'S LETTER OF ACCEPTANCE.

NASHVILLE, May 21, 1860.

DEAR SIR: Official information of my nomination to the Presidency by the National Union Convention, of which you were the presiding officer, was communicated to me by your letter of the 11th instant, at Philadelphia, on the eve of my departure with my family for my place of residence in Tennessee; and diffident as I was of my worthiness, I did not hesitate to signify my intention to accept the position assigned to me by that distinguished and patriotic body. But for convenience, and under a sense of the propriety of acting, in so grave a matter, with greater deliberation, I concluded, as I informed you at the time by a private note, to defer a formal acceptance until after my arrival at home.

Now that I have had all the leisure I could desire, for reflection upon the circumstances under which the nomination was made, the purity of the motives and the lofty spirit of patriotism by which the Convention was animated, as evinced in all its proceedings, I can appreciate more justly the honor done me by the nomination; and, though it might have been more fortunate for the country had it fallen upon some one of the distinguished statesmen whose names were brought to the notice of the Convention, rather than myself, I accept it, with all its possible responsibilities. Whatever may be the issue of the ensuing canvass, as for myself, I shall ever regard it as a proud distinction—one worth a life long effort to attain—to be pronounced worthy to receive the highest office in the Government at such a time as the present and by such a Convention as that which recently met in Baltimore—a Convention far less imposing by the number of its members, large as it was, than by their high character. In it were men venerable alike for their age and their public services, who could have not been called from their voluntary retirement from public life, but by the strongest sense of patriotic duty; others, though still in the prime of life, ranking with the first men of the country by honors and distinctions already acquired in high official positions, State and National; many of them statesmen worthy to fill the highest office in the government; a still greater number occupying the highest rank in their respective professional pursuits; others distinguished by their intelligence and well-earned influence in various walks of private life, and all animated and united by one spirit and one purpose—the result of a strong conviction that our political system, under the operation of a complication of disorders, is rapidly approaching a crisis when a speedy change must take place, indicating, as in diseases of the physical body, recovery or death.

The Convention, in discarding the use of platforms, exact no pledges from those whom they deem worthy of the highest trusts under the Government; wisely considering that the surest guarantee of a man's future usefulness and fidelity to the great interests of the country, in any official station to which he may be chosen, is to be found in his past history connected with the public service. The pledge implied in my acceptance of the nomination of the National Union Convention is, that should I be elected I will not depart from the spirit and tenor of my past course; and the obligation to keep this pledge derives a double force from the consideration that none is required from me.

You, sir, in your letter containing the official announcement of my nomination, have been pleased to ascribe to me the merit of moderation and justice in my past public career. You have likewise given me credit for a uniform support of all wise and beneficent measures of legislation, for a firm resistance to all measures calculated to engender sectional discord, and for a life-long devotion to the

union, harmony, and prosperity of these States. Whether your personal partiality has led you to overstate my merits as a public man or not, in your enumeration of them, you have presented a summary—a basis of all sound American statesmanship. It may be objected that nothing is said in this summary, in express terms, of the obligations imposed by the Constitution; but the duty to respect and observe them is clearly implied, for without due observance in the conduct of the Government of the Constitution, its restrictions, and requirements, fairly interpreted in accordance with its spirit and objects, there can be no end to sectional discord—no security for the harmony of the Union.

I have not the vanity to assume that in my past connection with the public service I have exemplified the course of a sound American statesman; but if I have deserved the favorable view taken of it in your letter, I may hope, by a faithful adherence to the maxims by which I have heretofore been guided, not altogether to disappoint the confidence and expectations of those who have placed me in my present relation to the public; and if, under Providence, I should be called to preside over the affairs of this great country as the Executive Chief of the Government, the only further pledge I feel called upon to make is, that the utmost of my ability, whatever of will I can command, all the powers and influence belonging to my official station, shall be employed and directed for the promotion of all the great objects for which the Government was instituted, but more especially for the maintenance of the Constitution and Union against all imposing influences and tendencies.

I can not conclude this letter without expressing my high gratification at the nomination to the second office under the Government, of the eminently gifted and distinguished statesman of Massachusetts, Edward Everett, a gentleman held by general consent to be altogether worthy of the first.

Tendering my grateful acknowledgments for the kind and complimentary manner in which you were pleased to accompany the communication of my nomination, I am, dear sir, with the highest respect, your obedient servant,

JOHN BELL.

*To the Hon. Washington Hunt.*

#### THE DEMOCRATIC PLATFORM, ADOPTED AT CINCINNATI, JUNE 6, 1856.

*Resolved,* That the American Democracy place their trust in the intelligence, the patriotism, and the discriminating justice of the American people.

*Resolved,* That we regard this as a distinctive feature of our political creed, which we are proud to maintain before the world as a great moral element in a form of government springing from and upheld by the popular will; and we contrast it with the creed and practice of Federalism, under whatever name or form, which seeks to palsy the will of the constituent, and which conceives no imposture too monstrous for the popular credulity.

*Resolved therefore,* That entertaining these views, the Democratic party of this Union, through their delegates assembled in general Convention, coming together in a spirit of concord, of devotion to the doctrines and faith of a free representative government, and appealing to their fellow-citizens for the rectitude of their intentions, renew and re-assert before the American people, the declarations of principles avowed by them, when, on former occasions, in general Convention, they have presented their candidates for the popular suffrage.

1. That the Federal Government is one of limited power, derived solely from the Constitution, and the grants of power made therein ought to be strictly construed by all the departments and agents of the Government, and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

2. That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements.

3. That the Constitution does not confer authority upon the Federal Government, directly or indirectly, to assume the debts of the several States, contracted for local and internal improvements, or other State purposes, nor would such assumption be just or expedient.

4. That justice and sound policy forbid the Federal Government to foster one

branch of industry to the detriment of another, or to cherish the interests of one portion of our common country; that every citizen and every section of the country has a right to demand and insist upon an equality of rights and privileges, and a complete and ample protection of persons and property from domestic violence and foreign aggression.

5. That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government, and gradual but certain extinction of the public debt.

6. That the proceeds of the public lands ought to be sacredly applied to the National objects specified in the Constitution, and that we are opposed to any law for the distribution of the proceeds among the States, as alike inexpedient in policy, and repugnant to the Constitution.

7. That Congress has no power to charter a National Bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power and above the laws and will of the people; and the results of the Democratic legislation in this and all other financial measures upon which issues have been made between the two political parties of the country, have demonstrated to candid and practical men of all parties their soundness, safety, and utility in all business pursuits.

8. That the separation of the moneys of the Government from banking institutions is indispensable to the safety of the funds of the Government and the rights of the people.

9. That we are decidedly opposed to taking from the President the qualified veto power, by which he is enabled, under restrictions and responsibilities amply sufficient to guard the public interests, to suspend the passage of a bill whose merits cannot secure the approval of two-thirds of the Senate and House of Representatives, until the judgment of the people can be obtained thereon, and which has saved the American people from the corrupt and tyrannical dominion of the Bank of the United States, and from a corrupting system of general internal improvements.

10. That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith; and every attempt to abridge the privilege of becoming citizens and owners of the soil among us, ought to be resisted with the same spirit which swept the alien and sedition laws from our statute books.

*And, whereas,* Since the foregoing declaration was uniformly adopted by our predecessors in National Conventions, an adverse political and religious test has been secretly organized, by a party claiming to be exclusively Americans, and it is proper that the American Democracy should clearly define its relations thereto; and declare its determined opposition to all secret political societies, by whatever name they may be called:

*Resolved,* That the foundation of the Union of States having been laid in, and its prosperity, expansion, and preëminent example in free government, built upon, entire freedom of matters of religious concernment, and no respect of persons in regard to rank or place of birth, no party can justly be deemed National, Constitutional, or in accordance with American principles, which bases its exclusive organization upon religious opinions and accidental birth-place. And hence a political crusade in the nineteenth century, and in the United States of America, against Catholics and foreign-born, is neither justified by the past history or future prospects of the country, nor in unison with the spirit of toleration and enlightened freedom which peculiarly distinguishes the American system of popular government.

*Resolved,* That we reiterate with renewed energy of purpose the well considered declarations of former Conventions upon the sectional issue of domestic slavery, and concerning the reserved rights of the States:

1. That Congress has no power under the Constitution to interfere with or con-

trol the domestic institutions of the several States, and that all such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the Constitution; that all efforts, of the Abolitionists or others, to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

2. That the foregoing proposition covers and was intended to embrace the whole subject of slavery agitation in Congress, and therefore the Democratic party of the Union, standing on this National platform, will abide by and adhere to a faithful execution of the acts known as the Compromise measures, settled by the Congress of 1850: "the act for reclaiming fugitives from service or labor," included; which act being designed to carry out an express provision of the Constitution, can not, with fidelity thereto, be repealed, or so changed as to destroy or impair its efficiency.

3. That the Democratic party will resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made.

4. That the Democratic party will faithfully abide by and uphold the principles laid down in the Virginia and Kentucky resolutions of 1792 and 1798, and in the report of Mr. Madison to the Virginia Legislature in 1799—that it adopts these principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import.

And that we may more distinctly meet the issue on which a sectional party, subsisting exclusively on slavery agitation, now relies to test the fidelity of the people North, and South, to the Constitution and the Union—

1. *Resolved*, That claiming fellowship with and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the paramount issue, and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the States, and incite to treason and armed resistance to law in the Territories, and whose avowed purpose, if consummated, must end in civil war and disunion, the American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Nebraska and Kansas, as embodying the only sound and safe solution of the slavery question, upon which the great National idea of the people of this whole country can repose in its determined conservation of the Union, and non-interference of Congress with slavery in the Territories or in the District of Columbia.

2. That this was the basis of the compromises of 1850, confirmed by both the Democratic and Whig parties in National Conventions, ratified by the people in the election of 1852, and rightly applied to the organization of the Territories in 1854.

3. That by the uniform application of the Democratic principle to the organization of the Territories, and the admission of new States with or without domestic slavery, as they may elect, the equal rights of all the States will be preserved intact, the original compacts of the Constitution maintained inviolate, and the perpetuity and expansion of the Union insured to its utmost capacity of embracing, in peace and harmony, every future American State that may be constituted or annexed with a republican form of government.

*Resolved*, That we recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of the actual residents, and whenever the number of their inhabitants justifies it, to form a Constitution with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other States.

*Resolved, finally*, That in view of the condition of the popular institutions of the Old World, (and the dangerous tendencies of sectional agitation, combined with the attempt to enforce civil and religious disabilities against the rights of acquiring and enjoying citizenship in our own land,) a high and sacred duty is devolved with increased responsibility upon the Democratic party of this country, as the party of the Union, to uphold and maintain the rights of every State, and thereby the union of the States—and to sustain and advance among us constitu-

tional liberty, by continuing to resist all monopolies and exclusive legislation for the benefit of the few at the expense of the many, and by vigilant and constant adherence to those principles and compromises of the Constitution—which are broad enough and strong enough to embrace and uphold the Union as it was, the Union as it is, and the Union as it shall be, in the full expression of the energies and capacity of this great and progressive people.

1. *Resolved*, That there are questions connected with the foreign policy of this country which are inferior to no domestic question whatever. The time has come for the people of the United States to declare themselves in favor of free seas, and progressive free trade throughout the world, and by solemn manifestations to place their moral influence at the side of their successful example.

2. *Resolved*, That our geographical and political position with reference to the other States of this continent, no less than the interest of our commerce and the development of our growing power, requires that we should hold sacred the principles involved in the Monroe doctrine. Their bearing and import admit of no misconstruction, and should be applied with unbending rigidity.

3. *Resolved*, That the great highway which nature as well as the assent of States most immediately interested in its maintenance has marked out for free communication between the Atlantic and the Pacific Oceans, constitutes one of the most important achievements realized by the spirit of modern times, in the unconquerable energy of our people; and that result would be secured by a timely and efficient exertion of the control which we have the right to claim over it, and no power on earth should be suffered to impede or clog its progress by any interference with relations that it may suit our policy to establish between our Government and the Governments of the States within whose dominions it lies; we can, under no circumstances surrender our preponderance in the adjustment of all questions arising out of it.

4. *Resolved*, That in view of so commanding an interest, the people of the United States can not but sympathize with the efforts which are being made by the people of Central America to regenerate that portion of the continent which covers the passage across the inter-oceanic isthmus.

5. *Resolved*, That the Democratic party will expect of the next administration that every proper effort be made to insure our ascendancy in the Gulf of Mexico, and to maintain permanent protection to the great outlets through which are emptied into its waters the products raised out of the soil, and the commodities created by the industry of the people of our western valleys, and of the Union at large.

*Resolved*, That the administration of Franklin Pierce has been true to Democratic principles, and, therefore, true to the great interests of the country; in the face of violent opposition he has maintained the laws at home and vindicated the rights of American citizens abroad; and, therefore, we proclaim our unqualified admiration of his measures and policy.

#### THE DEMOCRATIC PLATFORM, ADOPTED BY THE FRONT STREET THEATRE CONVENTION AT BALTIMORE, JUNE 23, 1860.

ORIGINALLY ADOPTED BY THE CONVENTION AT CHARLESTON, APRIL 30, 1860.

*Resolved*, That we, the Democracy of the Union, in Convention assembled, hereby declare our affirmation of the resolutions unanimously adopted and declared as a platform of principles by the Democratic Convention at Cincinnati, in the year 1856, believing that Democratic principles are unchangeable in their nature when applied to the same subject matter, and we recommend as our only further resolutions the following:

That inasmuch as differences of opinion exist in the Democratic party as to the nature and extent of the powers of a Territorial Legislature, and as to the powers and duties of Congress, under the Constitution of the United States, over the institution of slavery within the Territories—

*Resolved*, That the Democratic party will abide by the decision of the Supreme Court of the United States, over the institution of slavery within the Territories.

*Resolved*, That it is the duty of the United States to afford ample and complete protection to all its citizens, at home or abroad, and whether native or foreign born.

*Resolved*, That one of the necessities of the age, in a military, commercial and postal point of view, is speedy communication between the Atlantic and the Pacific States, and the Democratic party pledge such Constitutional enactment as will insure the completion of a railroad to the Pacific coast at the earliest practicable period.

*Resolved*, That the Democratic party are in favor of the acquisition of the island of Cuba, on such terms as shall be honorable to ourselves and just to Spain.

*Resolved*, That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law are hostile in character, subversive of the Constitution, and revolutionary in their effect.

On the last day of the session of the Douglas Democratic Convention at Baltimore, the following resolution was adopted and added to the platform:

*Resolved*, That it is in accordance with the interpretation of the Cincinnati platform, that during the existence of the Territorial Government, the measure of restriction, whatever it may be, imposed by the Federal Constitution on the power of the Territorial Legislature over the subject of the domestic relations (as the same has been or shall hereafter be finally determined by the Supreme Court of the United States), should be respected by all good citizens, and enforced with promptness and fidelity by every branch of the General Government.

#### MR. DOUGLAS'S LETTER OF ACCEPTANCE.

WASHINGTON, June 27, 1860.

GENTLEMEN—In accordance with the verbal assurance which I gave you when you placed in my hands the authentic evidence of my nomination for the Presidency by the National Convention of the Democratic party, I now send you my formal acceptance.

Upon a careful examination of the platform of principles adopted at Charleston and re-affirmed at Baltimore, with an additional resolution which is in perfect harmony with the others, I find it to be a faithful embodiment of the time-honored principles of the Democratic party, as the same were proclaimed and understood by all parties in the Presidential contests of 1848, '52 and '56.

Upon looking into the proceedings of the Convention, also, I find that the nomination was made with great unanimity, in the presence and with the concurrence of more than two-thirds of the whole number of delegates, and in exact accordance with the long-established usages of the party.

My inflexible purpose not to be a candidate, nor accept the nomination in any contingency, except as the regular nominee of the National Democratic party, and, in that case, only upon condition that the usages as well as the principles of the party should be strictly adhered to, had been proclaimed for a long time, and become well known to the country.

These conditions having all been complied with by the free and voluntary action of the Democratic masses and their faithful representatives, without any agency, interference or procurement on my part, I feel bound, in honor and duty, to accept the nomination.

In taking this step, I am not unmindful of the responsibilities it imposes; but, with a firm reliance on Divine Providence, I have faith that the people will comprehend the true nature of the issues involved, and eventually maintain the right.

The peace of the country and safety of the Union have been put in jeopardy by attempts to interfere with the domestic affairs of the people in the Territories, through the agency of the Federal Government.

If the power and duty of the Federal interference be conceded, two hostile sectional parties must be the inevitable result; the one inflaming the passions and ambition of the North, and the other of the South, and each struggling to use the Federal power and authority for the aggrandizement of its own section, at the expense of the equal rights of the other, and in derogation of the fundamental

principles of self-government which were firmly established in this country by the American revolution, as the basis of our entire republican system.

During the memorable period of our political history, when the advocates of Federal intervention upon the question of slavery in the Territories had well nigh "precipitated the country into a revolution"—the Northern interventionists demanding the Wilmot proviso for the prohibition of slavery, and the Southern interventionists (then few in number, and without a single representative in either house of Congress) insisting upon Congressional legislation for the protection of slavery in opposition to the wishes of the people—in either case it will be remembered that it required all the wisdom, power and influence of a Clay, and a Webster, and a Cass, supported by the Whig and Democratic parties of that day, to devise and carry out a line of policy which would restore peace to the country, and stability to the Union. The essential living principle of that policy, as applied to the legislation of 1850, was, and now is, non-intervention with slavery in the Territories.

The fair application of this just and equitable principle restored harmony and fraternity to a distracted country.

If we can depart from that wise and just policy which produced these happy results, and permit the country to be again distracted, if not precipitated into a revolution, by a sectional contest between pro-slavery and anti-slavery interventionists, where shall we look for another Clay, another Webster, or another Cass, to pilot the ship of State over the breakers into a haven of peace and safety?

The Federal Union must be preserved, and the Constitution must be maintained inviolate in all its parts. Every right guaranteed by the Constitution must be protected by law in all cases where legislation is necessary to its engagement. The judicial authority, as provided in the Constitution, must be sustained, and its decisions implicitly obeyed and faithfully executed. The laws must be administered and the constituted authorities upheld, and all unlawful resistance suppressed. These things must all be done with firmness, impartiality, and fidelity, if we expect to enjoy, and transmit unimpaired to our posterity, that blessed inheritance which we have received in trust from the patriots and sages of the Revolution. With sincere thanks for the kind and agreeable manner in which you have made known to me the action of the Convention, I have the honor to be, very respectfully, your fellow-citizen,

S. A. DOUGLAS.

#### THE DEMOCRATIC PLATFORM, ADOPTED BY THE MARYLAND INSTITUTE CONVENTION, AT BALTIMORE, JUNE 23, 1860.

ORIGINALLY ADOPTED BY A PORTION OF THE SECEDERS AT CHARLESTON, APRIL 30, 1860.

*Resolved*, That the platform adopted by the Democratic party at Cincinnati, be affirmed with the following explanatory resolutions:

1. That the Government of a Territory organized by an act of Congress is provisional and temporary, and during its existence all citizens of the United States have an equal right to settle, with their property, in the Territory, without their rights, either of person or property, being destroyed or injured by Congressional or Territorial legislation.

2. That it is the duty of the Federal Government, in all its departments, to protect the rights of persons and property in the Territories, and wherever else its Constitutional authority extends.

3. That when the settlers in a Territory, having an adequate population, form a State Constitution, the right of sovereignty commences, and being consummated by their admission into the Union, they stand on an equality with the people of other States, and a State thus organized ought to be admitted into the Federal Union, whether the Constitution prohibits or recognizes the institution of slavery.

*Resolved*, That the Democratic party are in favor of the acquisition of the Island of Cuba, on such terms as shall be honorable to ourselves and just to Spain, at the earliest practicable moment.

*Resolved*, That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law are hostile in character, subversive of the Constitution, and revolutionary in their effect.

*Resolved*, That the Democracy of the United States recognize it as the imperative duty of the Government to protect the naturalized citizen in all his rights, whether at home or in foreign lands, to the same extent as its native-born citizens.

*Whereas*, One of the greatest necessities of the age, in a political, commercial, postal, and military point of view, is a speedy connection between the Pacific and Atlantic coasts; therefore, be it

*Resolved*, That the National Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill, to the extent of their Constitutional authority by Congress, for the construction of a Pacific Railroad from the Mississippi River to the Pacific Ocean, at the earliest practical moment.

## MR. BRECKINRIDGE'S LETTER OF ACCEPTANCE.

WASHINGTON CITY, July 6, 1860.

DEAR SIR—I have your letter of the 23d ultimo, by which I am officially informed of my nomination for the office of President of the United States, by the Democratic National Convention, lately assembled at Baltimore. The circumstances of this nomination will justify me in referring to its personal aspect.

I have not sought nor desired to be placed before the country for the office of President. When my name was presented in the Convention at Charleston, it was withdrawn by a friend, in obedience to my expressed wishes. My views had not changed when the Convention reassembled at Baltimore; and when I heard of the differences which occurred there, my indisposition to be connected prominently with the canvass was confirmed, and expressed to many friends.

Without discussing the occurrences which preceded the nominations, and which are, or soon will be, well understood by the country, I have only to say that I approved—as just and necessary to the preservation of the National organization, and the sacred right of representation—the action of the Convention over which you continued to preside; and thus approving it, and having resolved to sustain it, I feel that it does not become me to select the position I shall occupy, nor to shrink from the responsibilities of the post to which I have been assigned. Accordingly, I accept the nomination from a sense of public duty, and, as I think, uninfluenced in any degree by the allurements of ambition.

I avail myself of this occasion to say that the confidence in my personal and public character, implied by the action of the Convention, will always be gratefully remembered; and it is but just also to my own feelings, to express my gratification at the association of my name with that of my friend General Lane, a patriot and a soldier, whose great services in the field and in council, entitle him to the confidence and gratitude of his country.

The resolutions adopted by the Convention have my cordial approval. They are just to all parts of the Union—to all our citizens, native and naturalized—and they form a whole policy for any administration.

The questions touching the rights of persons and property, which have of late been much discussed, find in these resolutions a Constitutional solution. Our Union is a confederacy of equal, sovereign States, for the purpose enumerated in the Federal Constitution. Whatever the common Government holds in trust for all the States must be enjoyed equally by each. It controls the Territories in trust for all the States. Nothing less than sovereignty can destroy or impair the rights of person or property. While they continue to be Territories, they are under the control of Congress; but the Constitution no where confers the right on any branch of the Federal Government the power to discriminate against the rights of the States, or the property of their citizens in the Territories. It follows that the citizens of all the States may enter the Territories of the Union with their property, of whatever kind, and enjoy it during the Territorial condition, without let or hindrance, either by Congress, or either by the subordinate Territorial Governments.

These principles flow directly from the absence of sovereignty in the Territorial Governments, and from the equality of the States. Indeed, they are essential to that equality which is, and ever has been, the vital principle of our Consti-

tutional Union. They have been settled legislatively—settled judicially—and are sustained by right reason. They rest on the rock of the Constitution. They will preserve the Constitution. They will preserve the Union.

It is idle to attempt to smother these great issues, or to misrepresent them by the use of partisan phrases, which are misleading and delusive. The people will look beneath such expressions as "intervention," "Congressional Slave Code," and the like, and will penetrate to the real questions involved. The friends of Constitutional equality do not, and never did, demand a "Congressional Slave Code," nor any other "code" in regard to property in the Territories. They hold the doctrine of non-intervention by Congress, or by a Territorial Legislature, either to establish or prohibit slavery; but they assert (fortified by the highest judicial tribunal in the Union) the plain duty of the Federal Government, in all its departments, to secure, when necessary, to the citizens of all the States, the enjoyment of their property in the common Territories, as everywhere else within its jurisdiction. The only logical answer to this would seem to be to claim sovereign power for the Territories, or to deny that the Constitution recognized property in the services of negro slaves, or to deny that such property can exist.

Inexorable logic, which works its steady way through clouds and passion, compels the country to meet the issue. There is no evasive, middle ground. Already the signs multiply of a fanatical and growing party, which denies that under the Constitution, or by any other law, slave property can exist; and ultimately the struggle must come between that party and the National Democracy, sustained by all the other conservative elements in the Union.

I think it will be impossible for a candid mind to discern hostility to the Union or a taint of sectionalism in the resolutions adopted by the Convention. The Constitution and the Union repose on the equality of the States, which lies like a broad foundation underneath our whole political structure. As I construe them, the resolutions simply assert this equality. They demand nothing for any State or section that is not cheerfully conceded to all the rest. It is well to remember that the chief disorders which have afflicted our country, have grown out of the violation of State equality; and that as long as this great principle has been respected, we have been blessed with harmony and peace. Nor will it be easy to persuade the country that resolutions are sectional which command the support of a majority of the States, and are approved by the bone and body of the old Democracy, and by a mass of conservative opinion everywhere, without regard to party.

It has been necessary, more than once in our history, to pause and solemnly assert the true character of this Government. A memorable instance occurred which ended in the civil revolution of 1800. The Republicans of that day, like the Democracy of this, were stigmatized as disunionists, but they nobly conducted the contest under the Constitution, and saved our political system. By a like constitutional struggle it is intended now to assert and establish the equality of the States as the only basis of union and peace. When this object, so National, so constitutional, so just, shall be accomplished, the last cloud will disappear from the American sky, and with common hands and hearts, the States and the people will unite to develop the resources of the whole country, to bind it together with the bonds of intercourse and brotherhood, and to impel it onward in its great course. The Constitution and the equality of the States! these are symbols of everlasting Union; let these be the rallying cries of the people.

I trust that this canvass will be conducted without rancor, and that temperate arguments will take the place of hot words and passionate accusations. Above all, I venture humbly to hope that Divine Providence, to whom we owe our origin, our growth, and all our prosperity, will continue to protect our beloved country against all danger, foreign and domestic.

I am, with great respect, your friend,

JOHN C. BRECKINRIDGE,

*Hon. C. Cushing, President of the Democratic National Convention.*

## CHAPTER XL.

*Literary Characters of Alabama—Authors of History and Romance.*

The character of each State, and of each community, is more or less respected abroad, from the ability and accomplishments of its authors and its literary classes. By this standard the claims of Alabama may be judged, in part, by the list here introduced.

JOSEPH G. BALDWIN, author of the "Flush Times of Alabama and Mississippi," and of "Party Leaders," has been noticed elsewhere in this work, as a member of the Legislature.

FREDERICK A. P. BARNARD, LL.D., was born in Massachusetts, in 1809, and graduated at Yale College, with high honors, in 1828. In 1829, he was appointed Tutor in that institution. In 1831, he was one of the Instructors in the American Asylum for the Deaf and Dumb at Hartford, Connecticut, and, in 1833, he transferred his employment to the New York Institute for the Deaf and Dumb, where he taught until 1838.

In 1838, he accepted the Professorship of Mathematics and Natural Philosophy in the University of Alabama, which he held until 1848, and afterward filled the Chair of Chemistry until 1854. From Alabama, he passed, in 1854, to the Chair of Mathematics and Astronomy in the University of Mississippi, and, in 1856, he was elected its President. In consideration of his great learning, the degree of Doctor of Laws was conferred upon him by Jefferson College, in that State.

The published works of Prof. Barnard include a small treatise on Arithmetic, in 1830, and one on Grammar, in 1834. In 1855, he published Letters on College Government, and a Report on Collegiate Education, made to the Faculty of the University of Alabama, of which he had been many years the Secretary.

Professor Barnard was a very industrious and prolific writer. Besides contributing many articles to the newspapers, he wrote for the magazines, especially for the American Journal of Education, from the commencement. From science and literature, he would expand into the most graceful humor, as the occasion might justify. At other times, he was grave and didactic. Some years ago, he took orders for the ministry, in the Episcopal Church.

Besides his superior qualifications as a scholar, Prof. Barnard was a bright Mason. On the 24th of June, 1841, he delivered an address before Rising Virtue Lodge, No. 4, Tuscaloosa, on the "Claims of Masonry upon the Respect and Veneration of Mankind," which was published in pamphlet form at the request of the Lodge.

On 11th July, 1854, the anniversary of the Phi Beta Kappa Society, Professor Barnard pronounced an oration of great merit, entitled "Art Culture: Its relation to National Refinement and National Morality," which was published in a pamphlet of 43 pages.

The present location and employment of Professor Barnard may be seen by the following extract from a message of Gov. Patton, dated January 15, 1867:

While in New York I conferred fully with the United States Commissioners for the Paris Exposition. I found that they took a lively interest in having all the States properly represented. It may not be improper to observe that Alabama's interest has a special friend in F. A. P. Barnard, late of the University of Alabama, and now President of Columbia College, in New York. That learned gentleman is the principal Commissioner for the United States, and is particularly solicitous for a liberal contribution of the various mineral, and other specimens which will properly represent the vast natural resources of Alabama. I arranged with the Commissioner for the transportation, from New York to Paris, of all such articles as might be prepared and forwarded. A considerable variety of valuable specimens has already been furnished, and many more are confidently expected. I respectfully submit to the Legislature the question of making a limited appropriation to pay the expenses of transporting specimens from the interior of the State to Montgomery, and hence to New York. Several gentlemen of the State will visit Paris during the ensuing Spring, some of whom have kindly consented to act as agents to represent Alabama's interest at the Exposition.

The Commissioners at the Paris Universal Exposition, severally made reports which were published, in six volumes, by order of Congress. The third volume, profusely illustrated, consists of the Report of President Barnard on the "Machinery and Processes of the Industrial Arts; and Apparatus of the Exact Sciences." It is a very elaborate paper of 650 pages, in print, justly placing him in the front rank of men of science, in this or any other country.

JOHN G. BARR, when a portionless boy, attracted the friendly notice of Mr. Daniel M. Boyd, a merchant tailor of Tuscaloosa, who sent him to the University of Alabama, where he graduated with the first honor, in the class of 1841. Afterward he was employed as a tutor, and gave himself up to his passion for elegant literature, in which he excelled as a writer and speaker. No one ever left the institution with more credit. In the Mexican war he was Captain of a company of volunteers from Tuscaloosa county.

His service in the Mexican war gave him great popularity at

home. On his return, he was for some time connected with the editorship of the "Flag of the Union," the organ of the Democratic party. In the meantime, his lively and graphic pen furnished many articles for the Northern magazines and papers, which afforded him a liberal compensation. He wrote fine things for "Porter's Spirit of the Times," in New York, which were much admired by the public.

In 1856, Capt. Barr was appointed on the Electoral ticket, and canvassed with great power and effect for Buchanan and Breckinridge. His political information was sound, and his style of speaking very attractive. Crowds followed to hear him. At the session of the Legislature in 1857, a flattering testimonial was furnished him, signed by all the Democratic members, and the President of the Senate, and the Speaker of the House, recommending the President to give him an appointment worthy of his distinguished talents and great party services. He visited Washington, and delivered his papers. After some delay, President Buchanan gave him the Consulship at Melbourne (in Australia). While on his passage, he died at sea, and was buried in its billows, whose dirge was his only requiem. In the Summer of 1858, a Montgomery paper thus announced the sad event:

DEATH OF CAPT. JOHN G. BARR.—It will be seen from the official notice from the State Department, published in another column, that Capt. John G. Barr, of this State, lately appointed United States Consul at Melbourne, died on his way to his station, on the 18th of May last, from sunstroke. This will be melancholy tidings to the numerous friends of this gentleman, and especially to the citizens of Tuscaloosa, where he was well known and highly appreciated for his many virtues. In the death of Capt. Barr, Alabama loses a patriotic and valuable citizen—a son whose future promised to adorn a bright page in her history.

JEREMIAH CLEMENS, in addition to authorship, was a politician. His course in the Legislature, and in the Senate of the United States, has been noticed elsewhere in this volume; also the works which he published.

MISS AUGUSTA J. EVANS, a native of Georgia, first appeared before the public in 1859, as the author of "Beulah," a novel of great intellectual power and graphic force, which secured at once a reputation among the very highest in that department of literature. This work was succeeded by "Macaria, or the Altar of Sacrifice," "St. Elmo," and "Vashti." Her earliest production was "Inez, a Tale of the Alamo." Miss Evans resided in Mobile during the composition of her works, except the first, when her parents were in Texas. In the meantime, the family name has been changed, and she is now Mrs. Wilson, as happy in domestic life as she was brilliant in another sphere.

MRS. CAROLINE LEE HENTZ is a Northern lady, whose family name was Whiting. She married Professor Hentz, of the Uni-

versity of North Carolina. Afterward, they removed to Alabama, and, for a number of years, resided in Florence. About 1842, they came to Tuscaloosa, and, for several years, had charge of the Female Institute under the patronage of the Presbyterian Church. Thence Mrs. Hentz removed to Columbus, Georgia, where she was Principal of a Female Seminary. While on a visit to one of her married daughters, in Florida, she died there in 1856.

She wrote "De Lara, or The Moorish Bride," a dramatic poem, to which was awarded a prize of \$500. It was performed in the Philadelphia Theaters, and had quite a run. Her other works have been—

1. Aunt Patty's Scrap Bag. 1846.
2. The Mob Cap. 1848.
3. Linda, or The Young Pilot of the Belle'Creole. 1850.
4. Rena, or The Snow-Bird. 1851.
5. Marcias Moreland, or The Long Moss Spring. 1852.
6. Eoline, or Magnolia Vale. 1852.
7. Wild Jack. 1853.
8. Helen and Arthur, or Miss Theresa's Spinning Wheel. 1853.
9. The Planter's Northern Bride. 1854.
10. Ernest Linwood. 1856.

Many of these works have been republished by the book-sellers in uniform editions, and have had quite a circulation.

The fact that Mrs. Hentz resided many years in Alabama, and became cordially identified in feeling with Southern society, gives us the right to enroll her bright name among the professional authors of the State.

HENRY W. HILLIARD was born in North Carolina, in 1808, and now resides at Augusta, Georgia. The prime of his life was passed in Alabama, where he attained high public honors. These are noticed under another head in this work. A volume of his Speeches, Essays and Addresses, on various occasions, was published many years ago by Harper & Brothers, New York. He is a gentleman of culture and refinement, and so far as he has acted the part of author, in annotations to "Roman Nights," he has been successful.

JOHNSON J. HOOPER, as author of "Simon Suggs," and other tales of a grotesque yet popular class, enjoyed a large degree of public favor in his day. Remarks on his life, and as a writer, will be found elsewhere in this volume.

MRS. OCTAVIA WALTON LE VERT, a grand-daughter of George Walton, one of the signers of the Declaration of American Inde-

pendence in 1776, was born at Augusta, Georgia. Thence her father removed to Pensacola, Florida, in 1832. In one of her journeys in the stage, before the time of railroads, she traveled a few days most agreeably with Washington Irving, then on his journey to or from the far West. She frequently visited Washington City, where she passed much of her time, and was an attentive listener to the debates of Congress—occasionally taking notes of such speakers as Clay, Calhoun, Webster, McDuffie and Benton; and then in social argumentation with some of these gentlemen, she would greatly surprise them by quoting their own language.

In 1836, she married Dr. Henry S. Levert, of Mobile. She made two visits to Europe, and went to Rome, where she was presented to His Holiness the Pope. An account of the interview is given in her "Souvenirs of Travel," published in two volumes after her return, in 1857. She has written many fine things, and has been quite a favorite with the public. For the last several years, she has resided in the city of New York.

ALEXANDER BEAUFORT MEEK was born in Columbia, South Carolina, in the year 1814. His father, Dr. Samuel Meek, afterward removed to Alabama, and settled in Tuskaloosa, where the son graduated in the State University, with the degree of Master of Arts, in the class of 1833.

After completing a course of legal studies, he was admitted to the bar in 1835. In the Spring of 1836, he volunteered, and served a campaign of three months, as a non-commissioned officer in the Indian war in Florida. On his return, he was appointed by Gov. Clay Attorney-General of the State, to fill a vacancy.

After retiring from this office, Mr. Meek devoted himself mainly to letters, and to composition, for which purpose, as early as 1835, he was connected with the press as editor of the "Flag of the Union," a Democratic paper published at Tuskaloosa. In 1839, he edited a monthly called the "Southron," and in 1842, was appointed by the Governor Judge of the County Court of Tuskaloosa county, to fill the unexpired term of Judge M. D. Williams, who, on arriving at seventy years of age, was rendered ineligible by the Constitution. In 1842, he published a "Supplement" to the Digest of Alabama. In 1844, he visited Washington City as the bearer of the Electoral vote of the State, and accompanied Mr. William L. Yancey on the field when he fought a duel with Mr. Clingman, of North Carolina.

In 1845, Judge Meek was appointed Law Clerk to the Solicitor of the Treasury, and resided a year in Washington City. In 1846, he was appointed by President, Polk United States Attorney for the Southern District of Alabama, which office he held four years, making his future home in Mobile. From 1848 to

1853, he was associate editor of the "Mobile Daily Register." In 1853, he was elected a Representative in the Legislature, and, as Chairman of the Committee on Education, reported the bill to "establish and maintain a system of free public schools in the State of Alabama." The report which accompanied the bill was exceedingly able, and forms more than eight pages of the printed Journal. To show the high appreciation by the House of these two documents, five thousand copies of the bill, and ten thousand copies of the report, were ordered to be printed. This production of Judge Meek, so creditable to his intellect and his heart, is too lengthy to be incorporated here. Its perusal will amply compensate the intelligent reader.

In 1854, he was elected Judge of the City Court of Mobile, a place of considerable labor and emoluments, yet affording sufficient leisure to communicate with the press. In 1855, he published "The Red Eagle," a poem of the South, in a very beautiful volume, and in 1857, he gave the public a volume of "Orations, Sketches and Essays, Romantic Passages in South-Western History," and "Songs and Poems of the South." These are mainly collections which had been contributed to the magazines and papers, at intervals more or less distant, from the time he left college, at the age of nineteen—all forming an adequate foundation on which to rest his fame as a scholar and a poet.

In 1859, Judge Meek was again returned to the Legislature, and was elected Speaker of the House of Representatives. He had nearly completed a History of Alabama, when the war broke out in 1861, which prevented its publication. He was certainly well qualified for the labor which he had undertaken, and it is to be hoped that at some future day, when the political pressure on the South shall undergo some degree of amelioration, and sectional and individual prosperity revive, the work will be published, as a worthy companion to Pickett's History, brought down, perhaps, to a later period.

One of the early effusions of Judge Meek was set to music, about the year 1840, and has been much admired. It is here reproduced for the grandeur of its sentiments, as well as for the beauty of the composition:

#### LAND OF THE SOUTH.

Land of the South—imperial land—  
 How proud thy mountains rise!  
 How sweet thy scenes on every hand—  
 How fair thy evening skies!  
 But not for this—oh! not for these—  
 I love thy fields to roam;  
 Thou hast a dearer spell to me,  
 Thou art my native home!

Thy rivers roll their liquid wealth,  
Unequaled to the sea ;  
Thy hills and valleys bloom with health,  
And green with verdure be !  
But not for thy proud ocean streams—  
Nor for thine azure dome—  
Sweet, sunny South, I cling to thee ;  
Thou art my native home !

I've stood beneath Italia's clime,  
Beloved of tale and song ;  
On Helvyn's hills, proud and sublime,  
Where Nature's wonders throng ;  
By Tempe's classic, sunlit streams,  
Where gods of old did roam ;  
But ne'er have found so fair a land  
As thou, my native home !

And thou hast prouder glories, too,  
Than Nature ever gave ;  
Peace sheds o'er thee her genial dew,  
And Freedom's pinions wave—  
Fair science flings her pearls around,  
Religion lifts her dome ;  
These, these endear thee to my heart,  
My own loved native home !

And "Heaven's best gift to man" is thine—  
God bless the rosy girls !  
Like sylvan flowers, they sweetly shine—  
Their hearts are pure as pearls !  
And grace and goodness circle them,  
Where'er their footsteps roam ;  
How can I then, whilst loving them,  
Not love my native home ?

Land of the South—imperial land—  
Then here's a health to thee :  
Long as thy mountain barrier's stand,  
May'st thou be blessed and free ;  
May dark dissension's banner ne'er  
Wave o'er thy fertile loam ;  
But should it come, there's one will die  
To save his native home !

In 1841, he delivered a discourse before the Literary Societies of LaGrange College, Alabama, which was published, by request, in a pamphlet of 30 pages. It is entitled "Jack-Cadeism and the Fine Arts." He delivered many addresses of the kind in different States, always with great brilliancy and applause.

While residing in Mobile, Judge Meek married Mrs. Slatter, a lady of considerable wealth, the widow of Hope Hull Slatter, Esq., formerly of Georgia. After her death, he married Miss Cannon, the daughter of a distinguished citizen of Lowndes county, Mississippi. Judge Meek then changed his residence to Columbus, in that State, where he died, in the Fall of 1865, aged fifty-one years.

ALBERT JAMES PICKETT, born in Anson County, North Carolina, in 1810, came with his father, Col. William R. Pickett, to Autauga county, Alabama, in 1818. In acquiring fortune and influence, they were both successful.

A biographical sketch of Col. A. J. Pickett, written by Gen. C. M. Jackson, was published in pamphlet form in 1859. Many interesting passages might be quoted, if space would allow.

A few facts from the memoir must suffice. In 1832, Col. Pickett married Miss Sarah Smith, eldest daughter of William Harris, Esq. In 1836, he was Aid to Gov. Clay, and acted as Assistant Adjutant-General in the Creek war.

In 1853, the name of Col. Pickett was connected in the public prints with the nomination for Governor, and the suggestion was received with general favor; but he was then engaged in writing a "History of the South-West," and declined to permit the use of his name for the office. He was a prolific and entertaining writer, and gave many articles and sketches to the newspaper press, which were much admired.

A few years before his death, he connected himself with the Protestant Episcopal Church. He died in peace, on the 28th day of October, 1858, at the age of forty-eight years. Thus passed away a good and useful man, in the meridian of life. In conclusion, a paragraph from the "Sketch," by Gen. Jackson, is given:

He outlived his entire family—father, mother, brother and sister—and his offspring now constitute a new generation, without a single living link to connect it with a former one. He left a devoted wife, several affectionate children, and many friends, to deplore his untimely death; besides the proper appreciation by the public of what may be deemed a great calamity—that of the loss of one who had so largely contributed to the general welfare. His remains were followed by a large concourse of relatives and friends, and interred in the burying ground at the old family residence in Autauga county, which Col. Pickett had inherited—where are also the graves of his father, mother, and other members of the family.

DR. SAMUEL C. OLIVER was a gentleman of letters, who resided at Montgomery. He was a chaste and spirited writer, and contributed many articles to the press. He wrote a political romance, "Onslow," which is more particularly noticed in a sketch of the public life of Dr. Oliver, to be found in another chapter.

WILLIAM RUSSELL SMITH has written and published several books, as will appear in the notice of his public career to be found elsewhere in this volume. He wields a classical pen, and his laurels are always verdant.

MISS MILDRED LOUISE TARVER has a claim upon public favor, though not in the capacity of an author of books, it may be. She was raised in Montgomery county, and her mind became early imbued with the love of art. She painted the fine and much ad-

mired portrait of Gen. Clanton, which has been suspended in the Representative Hall.

The author has endeavored to include in this chapter all the names within his knowledge more or less attached to literature as a profession, or who have contributed freely to the press as amateur writers. In addition to those already mentioned, he subjoins, from a volume entitled "The Living Female Writers of the South," the following in Alabama:

Madame Adalaide De V. Chaudron, Miss Kate Cumming, Miss Annie Creight Floyd, Mrs. E. W. Belamy, Mary E. Cruse, Lillian Rozell Messenger, Sarah E. Peck, Julia L. Keyes, Ina M. Porter Henry, Catharine W. Towles, Mrs. Julia Shelton, Mary Ware, Mrs. E. L. Saxon, S. S. Crute, Anna Tredair, Caroline Theresa Branch, Bettie Keyes Hunter.

Although not an author, in a literary sense, Mr. William C. Sanders, a native of Alabama, deserves favorable mention, as an artist of recognized merit. He passed several years at Rome, in prosecuting his studies as a portrait painter, and now justly ranks among the most eminent of his profession in this country.

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## CHAPTER XLI.

*Administrations Noticed—Sketches of Governors Fitzpatrick, Collier, Moore, Shorter, and Watts.*

In other parts of this work notices appear of Governors Bagby, Martin, Chapman, Winston, Parsons, Patton, and Lindsay, with a brief outline of their several administrations. Space here will not permit an extensive review of the official course of the gentlemen whose names are at the head of this chapter. A mere outline, in the personal narrative, must suffice.

BENJAMIN FITZPATRICK deserves commemoration for his virtues as a citizen and patriot, and for faithful service in the highest positions of the State. He was a native of Georgia, and when quite a young man came to Alabama, about the year 1818, when it was a Territory. He read law in the office of the Hon. Nimrod E. Benson, and after his admission to the bar, he settled in

Montgomery, where he formed a professional partnership with Henry Goldthwaite, Esq.

In 1819, he was elected Solicitor of the Montgomery Circuit, and reelected in 1823. In the meantime, he married a daughter of Gen. John Elmore, formerly of South Carolina. By this alliance he became the brother-in-law of Hon. Franklin Elmore, subsequently a Senator in Congress from South Carolina; of John A. Elmore, Esq., of Montgomery; of William Elmore, Esq., Attorney-General of Louisiana; of the Hon. Henry M. Elmore, of Macon county; of the Hon. Rush Elmore, Judge of the United States Court in Kansas, and of Albert Elmore, Esq., late Secretary of State, and Collector of the Port of Mobile. The Hon. Dixon H. Lewis married a sister of Mrs. Fitzpatrick. This large family influence contributed to the building up of his fortunes. In a few years after his marriage, he retired from the bar, owing to failing health, and settled on his plantation in Autauga county, where he devoted himself successfully to agricultural pursuits.

In 1840, as an Elector on the Democratic ticket, he visited different parts of the State, and addressed the people on the issues of the day, boldly and explicitly defending the measures of the administration, which had been assailed by the Whig party. The result of the election is well known for the large majority in Alabama cast for Mr. Van Buren.

In the Winter of 1840, Col. Fitzpatrick was presented as the Democratic candidate for Governor, and was elected over his opponent, Col. James W. McClung—the vote being 27,974 against 21,219, showing a majority of 6,755. An abstract of his messages indicates his policy on the many subjects of legislation, which proved so popular that he was reelected Governor in 1843, without opposition. On his retiring from office, in 1845, resolutions, offered by the Hon. B. F. Porter, were unanimously adopted by the General Assembly, approving his administration, and cordially respectful personally.

On the death of Mr. Lewis, in 1848, Gov. Chapman appointed Gov. Fitzpatrick to fill the unexpired term in the Senate of the United States. In 1853, he succeeded Col. King in the Senate, by the appointment of Gov. Collier, and was elected by the Legislature to serve the unexpired term. In 1855, he was reelected to the Senate for a term of six years. The highest honor of the Senate was conferred upon him, in his election as President of the Senate, *pro tempore*, in which capacity he served four sessions of Congress.

The eyes of the whole country had been turned upon him for the purity of his character. At the Democratic Convention in Baltimore, 1860, he was nominated for the office of Vice-President of the United States, on the ticket with Mr. Douglas, who was the

nominee for President. Much to the disappointment of his friends, and to the regret of the party, he declined the nomination. The Hon. Herschel V. Johnson, of Georgia, was then placed on the ticket.

When Alabama seceded from the Union, in 1861, Gov. Fitzpatrick withdrew from the Senate, as did the entire delegation from Congress, from a sense of duty, as owing paramount allegiance to the State. When the war terminated, in 1865, and President Johnson appointed a Provisional Governor for Alabama to execute his policy for reconstructing the *rebel* States, a Convention of the people was ordered to form a new Constitution. Governor Fitzpatrick was elected a delegate from Autauga county, and was chosen President of the Convention. This was his last public service.

The effects of the war on the South, and his own losses by the emancipation of his large slave property, no doubt preyed upon his spirits, though he generally appeared cheerful. After a short illness he died, November 21, 1869, aged about seventy years.

The next day, Gov. Smith transmitted a special message, announcing the sad event, and resolutions were adopted by the Legislature in terms of eulogy and condolence. The members of the two Houses attended the funeral as chief mourners. A very handsome monument has since been erected, by the family, over the remains of Gov. Fitzpatrick, in the cemetery near Montgomery.

The leading feature in his character was integrity—stern and inflexible. This he never compromised for any purpose whatever. He never wore the mask of hypocrisy. Always bland and courteous, he never promised with the intention to deceive, nor did he profess friendship which he did not really feel. As a statesman he was actuated by honest principles, and never for a selfish object. He was the patron of economy, and exerted himself to cut off all unnecessary expenditures of the public money. In this respect his example deserves all commendation. He inspected the whole minutia of Government entrusted to his care, and he required all the officers designated to aid in the execution of the laws, and to perform certain duties, to act their parts faithfully; or, if in default, to substitute others in their place. All his official labor and obligations were promptly performed. It was his privilege, as it certainly was his inclination, to exact the same of others, for the public interest. My official connection with Gov. Fitzpatrick, throughout his administration, and our intimate personal relations, enable me to bear this testimony to his exalted worth.

Soon after his term of office expired, in 1845, being several years a widower, Gov. Fitzpatrick married Miss Aurelia Blassingame, a very accomplished daughter of William E. Blassingame,

a prominent and wealthy citizen of Perry county. She contributed greatly to his happiness; and in the elegant and refined society among the families of members of Congress, and other cultivated people who assembled at Washington, she was distinguished for intelligence, and for the grace and dignity of her deportment. In the Summer of 1872, she followed her gentle and affectionate husband to the tomb.

HENRY WATSON COLLIER was born in Lunenburg county, Virginia, in the year 1801. He obtained a classical education, and was sometime a pupil of Dr. Moses Waddell, in his celebrated school, at Willington, South Carolina, where George McDuffie, James L. Petigru, Augustus B. Longstreet, and others known to fame, were educated. After pursuing a course of legal studies, he was admitted to the bar, and settled in Huntsville, Alabama. Remaining there only a short time in the practice of his profession, he changed his residence to Tuskaloosa, where he resided until his death. At an early day, he was elected to the Legislature.

His proficiency as a lawyer caused him to be elected to the Circuit Bench at the age of twenty-seven years, in which station he continued until 1836, when he was elected an Associate Justice of the Supreme Court. A vacancy having occurred in the meantime, he was made Chief Justice, an office which he held until he was elected Governor in 1849. He was reelected Governor, in 1851, and, at the expiration of his term, in 1853, he retired to private life. His health having failed, he visited the Bailey Springs, near Florence, in the Summer of 1855, where he died.

Gov. Collier was no ordinary man, and it was his good fortune to have a wife of congenial taste, who made his home happy. With such a stimulus to virtue and ambition, it appeared an easy task for him to reach high places, and to dispense a liberal and elegant hospitality. He married Miss Mary Battle, of North Carolina, a sister of Alfred Battle, Esq., of Tuskaloosa. They were members of the Methodist Episcopal Church, and their houses were the preachers' homes whenever they visited the city. The Rev. Bishop Capers was the guest of Judge Collier, in 1846, and, in 1847, he entertained, in like manner, the Rev. Henry B. Bascom, while those distinguished ministers were on their travels, and before the latter was elected Bishop. At the Annual Conference, in January, 1847, the venerable Bishop Soule was his guest. Standing at the very head of society, with all the appliances of wealth and refinement to grace their mansion, Judge Collier and his lady were the first in influence and position to attract all enlightened strangers, and to afford them a social entertainment whenever circumstances permitted. Long will their kindness be

held in grateful remembrance by hundreds who shared their beautiful hospitality. It is pleasant to record these things. Since the death of her husband, that refined and pious lady, who presided with so much dignity and ease in her household, has gone to join him in a better world. They have left several children to emulate their virtues, and to be cheered by their example.

When first I knew Judge Collier, in 1837, he was on the bench of the Supreme Court, with Ormond and Goldthwaite, his associates. I ascertained, that while presiding in the Circuit Court, which, by alternation of the Judges as required by law, led him, at different times, to almost every county in the State, he never failed to give entire satisfaction to the bar, and to all parties interested. His very looks on the judgment seat inspired respect and confidence. At all times patient and dignified, he listened attentively to the the arguments of the veriest junior of the profession, and with words of kindness, and looks of affability, would encourage him to proceed, until his diffidence was overcome.

To an example so worthy, it may be added, as best of all, that Gov. Collier was the finest specimen of a Christian-gentleman. He had been many years a member of the Methodist Episcopal Church, in which he held official relations as steward and leader. He often prayed in public, and in his family he was punctual in his morning and evening devotions, having set up the family altar, and never allowing it to be neglected when present. In assessing contributions for the support of the stationed minister and his family, he gave annually one hundred dollars, and a like sum was paid, each, by Judge Ormond, Gen. Dent, Alfred Battle, Willis Banks, Edward B. Vaughn, and David Scott, all men of wealth, and members of the church—the seven bearing about half the expenses required to support the household at the parsonage. Such liberality may not now be expected, from the altered circumstances of men.

It may be as well to notice here, as at any other point of this narrative, that the Reports of the Supreme Court of Alabama, now extending to some forty volumes, contain the opinions delivered by Chief-Justice Collier, which form his most enduring monument. His power of analysis, when handling the intricacies of a case, and the statement of authorities, show the grasp of his mind, and its mature discipline in legal science. He was an industrious worker, and never favored himself when public duties required a sacrifice of his personal comfort. Not only were his days given to the Supreme Court, but late hours of the night found him in his office, examining authorities, and writing out his opinions. He occasionally had leisure to visit his plantation, early in the morning or late in the afternoon, and this exercise was beneficial to his health and spirits. No such thing as idleness or

languor was permitted to waste his time—all was cheerfulness and activity in his employments.

In his message to the Legislature at the session of 1855, Gov. Winston said:

While the industry of the planter has thus been rewarded, we have been exempt from the devastating ravages of disease, to the extent that others have suffered. Though we have been so spared and blessed as a people, yet we have to regret the loss of some of our most worthy and estimable citizens. Of the number whose death we have to deplore, is my immediate predecessor, the Hon. Henry W. Collier, who, in the vigor of physical and mental ability, addressed you the last biennial communication, from this department. He had been long honorably connected with the public service in this State, and at all times enjoyed the confidence of those who knew him, as a man of ability, integrity, and sterling worth. He died in the northern part of the State, whither he had gone to recruit his health. In his death the community have lost a good citizen, and the State a faithful servant.

JOINT RESOLUTIONS IN REGARD TO THE DEATH OF HON. HENRY W. COLLIER.

1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That as the representatives of the people, we owe a tribute of respect to the memory of their distinguished fellow-citizen, the late Henry W. Collier.

2. *Be it resolved,* That in the language of the Executive, "he enjoyed the confidence of those who knew him, as a man of ability, integrity, and public worth;" and that we can point with singular pride and pleasure to his elevated career as a statesman and a jurist, as furnishing an encouraging example to those aspiring to true eminence, by pursuing the path of virtue, of right, and of honor.

3. *Be it Resolved,* That as Alabamians, we will ever cherish his memory with grateful feelings, for his useful and exemplary life, and his true devotion to the interest of the State, and with a deep sense of our loss by his death.

APPROVED, Jan. 25, 1856.

ANDREW B. MOORE, a native of South Carolina, was elected to the Alabama House of Representatives from Perry county in 1839—a lawyer by profession. He was defeated by the Whigs in 1840, but was elected in 1842, and though representing a Southern county, he took high ground in favor of the white basis, of North-Alabama origin, which prevailed in the Legislature. In 1843, strong opposition was made to him by the Whigs, on account of his vote for the white basis; in spite of which, however, he was reëlected, as he was also in the years 1843, 1844, and 1845. At the three latter sessions he was elected Speaker.

Mr. Moore frequently called some member to the Chair when a question was taken up which he wished to discuss, and freely mingled in debate on the floor. He came with thorough preparation, and his lucid arguments had considerable influence. As a party tactician, he was skilful and rigid, seldom granting quarter to an adversary, and always ready for the contest. He possessed a commanding person and expressive physiognomy, which seemed to qualify him for a leader. His mind was logical, and tenacious of facts, ever having at his control the necessary data to support his statements when required. He was, indeed, a prominent

figure in any discussion, particularly such as involved the representative character of the Government and the sovereignty of the State. On such occasions his power was manifest. He seldom participated in minor debates, but reserved his strength for the more important topics.

Mr. Moore remained in private life, after 1845, until 1850, when he was a candidate for Judge of the Circuit Court, and was defeated by Judge Phelan. In 1851, the latter gentleman was promoted to the Bench of the Supreme Court, when Mr. Moore was appointed, by Judge Collier, to fill the vacancy on the Circuit Bench, to which he was regularly elected until 1857, when he was nominated by the Democratic party for the office of Governor, to succeed Gov. Winston. There was quite a contest among the aspirants of the party for the nomination, but none for Governor. He was elected without opposition. For reelection to his second term in 1859, he was opposed by William F. Samford, Esq., over whom he obtained a large majority.

At the session of the Legislature, in 1859, joint resolutions were adopted authorizing the Governor to call a Convention of the people of the State, in the event that an Abolition candidate was elected President of the United States in 1860. This emergency having arisen by the election of Mr. Lincoln, Gov. Moore promptly issued his proclamation ordering an election of delegates from the several counties, to meet in Convention at Montgomery, in January, 1861, for the purpose of taking such steps as might be necessary to withdraw the State from the Union, as the Legislature had directed. The Ordinance of Secession was passed on the 11th day of January. In the meantime, Gov. Moore had sent a military command to take possession of the Forts at Pensacola, Florida, as a precautionary measure to prevent their being occupied by the United States troops as a point from which to invade Alabama. This step was much commented upon in the Convention; by some with favor, and by others with objection. None, however, questioned the patriotic motives of the Governor, who was known to be thoroughly a secessionist, and much impressed with the advantages of disunion to the South. The war was fairly in progress when he retired from the Executive in November, 1861; and he was a private citizen when the war terminated, in 1865, by surrender, in a manner wholly different from what he had anticipated, when signing documents which brought on the difficulty. He was not alone in error, nor in the integrity of his conduct, however deplorable the consequences to the South.

Gov. Moore is still living, though for many years he has suffered great bodily affliction. He is a gentleman of high moral character, being a member of the Presbyterian Church, and always agreea-

ble and blameless in private life. As a Legislator, Judge, and Chief Magistrate, he has an honorable record.

JOHN GILL SHORTER was born in Jasper county, Georgia, in 1818, and graduated at the University of that State in 1837. His father, the late Gen. Reuben C. Shorter, removed to Alabama, and settled at Eufaula, (then Irwinton,) in 1836. After a course of law studies, he was admitted to the bar in 1838. He was appointed, in 1842, by Gov. Fitzpatrick, Solicitor of the Judicial Circuit in which he resided, to fill a vacancy.

In 1845, Mr. Shorter was returned to the Senate, being the first Senator elected from Barbour county after its separation from Russell. He was not again a candidate until 1851, when he was elected to the House. During that session, the Hon. George Goldthwaite was promoted from the Circuit to the bench of the Supreme Court, and soon after the adjournment, Governor Collier appointed Mr. Shorter, Judge of the Circuit Court, to fill the vacancy. He was elected to the office by the people of his Circuit in 1852, and was reëlected, without opposition, after a service of six years—in all, nine years on the bench, to the public satisfaction.

When the Secession Convention of Georgia was sitting, in January, 1861, Judge Shorter appeared before it as a Commissioner from Alabama. He was a member of the Provisional Congress, and, in 1861, was brought forward by the masses of the people as a candidate for Governor, and was elected without any regular opposition. In 1863, he was defeated in a contest for reëlection by the Hon. Thomas H. Watts, late Attorney-General of the Confederate States.

In justice to Gov. Shorter, it may be said that it was utterly impossible for any man to fulfill the public expectations, and to satisfy all complaints during the war. So many difficult questions arose as the war progressed, touching conscription, quota of State troops for the Confederate service, tax in kind for the support of the army, a revenue and specific tax under acts of Congress, a tax for the support of the State Government, and for the redemption of its bonds, and the general supervision of State affairs, complicated by the war—all these embarrassments to the Executive produced a feeling of popular dissatisfaction which probably no wisdom could have prevented, under the circumstances. The sentence against him was harsh indeed, and it is believed that it was uncalled for and unauthorized on the principle of justice. Gov. Shorter was a man of more than ordinary abilities, of considerable experience in public life, and his honor was spotless. His administration was a good one, all the difficulties in his pathway fairly considered.

His retirement is, no doubt, attended with great tranquillity and enjoyment, as he is wealthy and pious, being a member of the Baptist Church. He is held in high esteem by the community. His wife is a daughter of Dr. Cullen Battle, of Barbour, and a sister of Gen. Cullen Battle, of Macon county. In addition to a large planting interest, he pursues the practice of the law at Eufaula, to increase his income and his usefulness.

[NOTE.—After a short illness, Gov. Shorter died May 29th, 1872, aged fifty-four years.]

THOMAS HILL WATTS, born in Alabama, was educated at the University of Virginia. He selected the profession of the law, and soon obtained a good practice. In 1842, when quite young, he was elected a Representative in the Legislature from Butler county, and continued to serve until 1845. He afterward removed to Montgomery, and represented that county in 1851 and 1853. In 1855, he was the Whig candidate for Congress in the District, and was defeated by James F. Dowdell, Esq. About this time, Mr. Watts was the acknowledged leader of his party, and in 1860, he was placed on the Bell and Everett ticket as Elector for the State at large, by which his Union sentiments were declared. After the election of Mr. Lincoln to the Presidency, in November, 1860, Mr. Watts became a secessionist from the position Alabama had taken through her Legislature, preparatory to withdrawing from the Union. He served in the Convention of 1861, which passed the Ordinance of Secession.

When war was proclaimed against the Southern States by President Lincoln, Mr. Watts raised a regiment, of which he was elected Colonel. With his command, he first served at Pensacola, and in April, 1862, he participated in the battle of Shiloh, where his bravery and daring qualities under fire, gained for him a fine reputation in military circles, and throughout the whole country. He was warmly solicited to become a candidate for Governor in 1861, and strong appeals were made to him for this purpose, without regard to old party divisions, when he positively forbid the use of his name in the canvass. Yet, notwithstanding his refusal to be a candidate, a large number of votes were cast for him, as a testimony of public favor.

After Mr. Benjamin vacated the Department of Justice to act as Secretary of War, President Davis appointed Col. Watts Attorney-General of the Confederate States, which compelled his removal to Richmond. There he remained in the active and faithful discharge of his onerous public duties until he was elected Governor, in 1863, when he resigned. In his Executive administration, he encountered the same obstacles and complaints which so greatly embarrassed his predecessor, whom he had superseded

by a large majority. The war was still raging, and after the capture of Vicksburg, and the repulse at Gettysburg, in July, 1863, the cause of the South, for the first time, began to assume a discouraging aspect, which rendered the conduct of public affairs still more difficult, and the task of meeting all emergencies to the satisfaction of the people utterly impracticable. All that possibly could be done by the most vigilant address, and the most careful use of means at his command for the public defense, was accomplished by Gov. Watts in the course of his administration. He applied himself with energy to the work in hand, and guarded the interests of Alabama to the best of his ability.

Never was there a more trying or critical juncture in the experience of any public man. The popularity of Col. Watts was almost without precedent when called to the Executive. His courage had been exhibited in the field, and his wise counsels in the cabinet. Much was expected of him. The South began to stagger from exhaustion. More than half a million of her citizens had been withdrawn from the pursuits of agriculture and other avocations necessary to subsistence. Families at home had toiled to supply clothing to the army. Every spare yard of cloth of domestic manufacture had been made up into garments, and forwarded to relatives in camp, who stood as a wall of defense, to keep back the Northern millions from devastating Southern soil and Southern firesides. From the boy of sixteen to the sire of sixty, a requisition was made for the public service. Plantations were left without managers, and homes without a male protector. Confederate tax-gatherers seized the cotton, the corn, the wheat, potatoes, the hogs, the lard, the cattle, by tenths, after a scant production from a deficiency of well directed labor; and then came the money tax to cover nearly all the rest, in percentage on land, and slaves, and merchandise, and nearly all descriptions of property and investments—assessed and collected under large penalties, and yet with no murmuring by the people, until it was perceived, from some fatal errors in Confederate policy, and from idle dissensions about *State Sovereignty*, that the Southern horizon was growing dark, and the last ray of hope was almost extinguished. It was the fortune of Gov. Watts to occupy a position of high responsibility at such a period, and to feel the anxieties which it naturally inspired, while he had not the material power to relieve the people from their heavy burdens, or to roll back the disastrous flood likely to sweep down the Southern States into the gulf of annihilation.

Such was the sad picture when Gov. Watts took the helm of State, only to be completed by the surrender of the Confederate armies in April, 1865, during the second year of his administration. Then followed the Provisional Government, the presence

of Federal bayonets at the Capitol, to give supremacy to the negro over the white man, under the Reconstruction Acts of Congress, and compulsory amendments to the Constitution. By the magic of Radicalism, he suddenly found himself no longer the Governor of a sovereign State, but a *disfranchised* rebel of a *province* under military rule, with commissions in vogue superseding the laws, and convicting white men of high crimes and misdemeanors on negro testimony. From being the master of slaves, Gov. Watts found his condition reversed, and that his slaves were his master at the ballot-box. The *originality* of the relation was still further enhanced by the fact that, while he was rendered incapable of holding office of any kind, by Congressional prohibition, his former slaves were politically competent to be Governors, Legislators, and Judges. Such was the condition of things which preceded and followed his exit from the Chief Magistracy of Alabama. In all this, his manhood and his honor have been preserved intact.

Enough has been said for the purposes of history to place Gov. Watts in a proper light before the public. Something may be added as to his domestic relations, and his private character. He married the daughter of Wade Allen, Esq., a wealthy citizen of Montgomery. For many years he has been a member of the Baptist Church, always contributing freely to the support of the ministry, and to all charitable and benevolent enterprises. Much to his praise, he has always been a strict temperance man, and never in his whole life offered another a drink of ardent spirits. His example in this respect is worthy of all commendation. His disposition is frank and cordial, and a noble sympathy for the welfare of his fellow-men pervades his whole character. His physical powers are of great endurance, and the faculties of his mind are of a very high order. At the bar his standing is in the very first rank. He resides in the city of Montgomery, and has a lucrative practice in his profession.

## CHAPTER XLII.

*Grouping of Characters and Events.*

The remaining portion of this work must be condensed, and the sketches abridged far beyond the wishes and design of the author, owing to the space occupied by preceding chapters. Yet the outline will be sufficient, as a record, for public use. Narrative and biography will be blended in a brief space, without regard to any special arrangement of names or dates.

JOHN ANTHONY WINSTON was born and raised in North-Alabama. Soon after attaining his majority, he brought his slaves to Sumter, where he established a large plantation, including some of the richest lands in that county. In 1839, he was elected a Representative in the Legislature, from Sumter, again in 1840, and also in 1842. In 1843, he was elected to the Senate, of which body he was chosen President, in 1845. He was reelected to the Senate, in 1847, and was again the presiding officer. From that time until 1852 he continued in the Senate, and, in 1853, he was nominated as the Democratic candidate for Governor, and elected.

In 1845, he was a candidate for reelection, and was opposed by the Hon. George D. Shortridge. The canvass was marked by unusual activity and bitterness—both competitors addressing the people in various parts of the State—the principles of the Democratic party represented and supported by Gov. Winston, and those of the Know-Nothings, or American party, defended by Judge Shortridge. The result was the reelection of Governor Winston by a majority of about 12,000 votes.

It is proper to state that he was a delegate to the Baltimore Convention, in 1848, which nominated Gen. Cass for the Presidency. His able speech in that body vindicating the good faith of the National Democracy, at once gave him quite a reputation in other States. While in the Senate, and at sessions where he was not the presiding officer, he was the acknowledged leader of the Democratic party, and fully sustained himself and his principles in every discussion when it became necessary.

When there was some division in the Democratic party as to the nominee for President, in 1860, he was prominent in the

delegation from Alabama in the Charleston Convention, and was afterward placed on the Douglas Electoral Ticket. Soon after the commencement of the war, in 1861, Gov. Winston raised a regiment, which he commanded, at Yorktown, while in service in Virginia; but his health, already delicate, now rapidly failing from exposure in camp, he was compelled to resign and return home. After the surrender of the Confederate armies, and the partial reorganization of Alabama, he was elected by the Legislature, at the session of 1866-'7, a Senator in the Congress of the United States, over Gen. George S. Houston; but, from circumstances well known to the country, arising from the action of Congress relative to the Southern States lately in rebellion, he did not take his seat. He still resides at his plantation in Sumter, passing most of his Winters, probably, in Mobile, where, for many years, he was a member of the large commission house of John A. Winston & Co.

While in the Legislature, he frequently engaged in debate. His manner was peculiarly sarcastic and biting when he was provoked by an antagonist. Possessed of large and varied information on public affairs, and on the principles of Government, he never failed to exert a considerable influence in the deliberative bodies of which he was a member. He is essentially a man of note, and has left the impress of his name and opinions on the legislative record of Alabama. A special notice of his administration as Governor, from 1853 to 1857, appears in another part of this work.

[NOTE.—The above sketch was written more than twelve months before Gov. Winston died in January, 1872. Testimonials of respect were given by the Executive and Legislature.]

JOHN WILLIAM AUGUSTINE SANFORD, the present Attorney-General of Alabama, is a native of Georgia. He was educated at Oglethorpe University, where he received a diploma of graduation, and subsequently entered Dane Law College of Harvard University, at Cambridge, Massachusetts. After completing his course of study at this institution, he came to Montgomery, Alabama, where he read law in the office of Nathan Harris, Esq., and in due time was admitted to the bar. He has since continued to reside in that city, engaged in the practice of his profession.

In 1856, Mr. Sanford was an Elector on the Buchanan and Breckinridge ticket, and thoroughly canvassed the Third Congressional District. In 1860, he married Miss Sallie M. Taylor, the youngest daughter of Col. William H. Taylor, of Montgomery.

Being a Democrat of the State Rights school, Mr. Sanford made every exertion to secure the election of Breckinridge and Lane in 1860. And after the election of Mr. Lincoln to the Presi-

dency, he advocated the secession of Alabama as the most effective mode of protecting her people, and vindicating her rights.

At the commencement of the war, in April, 1861, he volunteered in the Third Alabama Regiment, the first that left the State to form the Northern Army of Virginia. He was appointed Quartermaster of the regiment by Col. Lomax, and served in that capacity until the Winter of 1862, when he resigned, and returned to Alabama, where he succeeded in raising a regiment, under authority of the Secretary of War. He was chosen Lieutenant-Colonel of the Third Battalion of Hilliard's Legion. Subsequently, these battalions were formed into a brigade, commanded by Gen. Gracie. Col. Sanford participated in the battles; and when the legion was consolidated into regiments, he was promoted to the command of the Sixtieth Alabama Regiment. He served through the campaign of East-Tennessee, and, being ordered to Virginia, he was in the engagements around Richmond and Petersburg, and at Drury's Bluff, and shared in the battles preceding the surrender of Gen. Lee at Appomattox, April 9, 1865.

Returning to his home in Alabama, Col. Sanford resumed the practice of his profession; and in November, 1865, was elected Attorney-General. In July, 1868, he and others were displaced by Gen. Meade, the District Commander, to make room for officers under the Government established by Congress for Alabama. Upon his expulsion, he addressed a letter to Gen. Meade, asserting the right of Alabama to establish a Government for herself—commenting on the iniquity of the Reconstruction laws, and protesting against the tyranny and usurpation of the Federal authorities. This letter was generally published, and met the approbation of our people, so far as public opinion could be inferred by his nomination in September, 1870, by a large State Convention, and by his election by a large popular vote in November of that year.

Such is the honorable record of the distinguished Attorney-General of Alabama.

Amid the great rush on the public treasury for high salaries, and still increasing compensation, which of late years has been made by office-seekers and office-holders, without regard to any fixed principles in the *contract*, it is refreshing to witness an honorable exception, as in the following letter:

STATE OF ALABAMA, OFFICE OF ATTORNEY-GENERAL, }  
MONTGOMERY, February 16, 1872. }

*Hon. John P. Hubbard, Speaker of the House of Representatives:*

SIR—During its last session the General Assembly appropriated twenty-eight hundred dollars to pay the salary of the Attorney-General. This action was induced by its knowledge and just appreciation of the labors, the duties and responsibility that devolve on that officer; and also, by the desire that the compensa-

tion of the subordinate officials of the Executive Department of the State should approach equality.

This sum was allowed for the services of the late Attorney-General, for the fiscal years ending, respectively, on the 30th of September, 1869, and on the 30th day of September, 1870, and was paid to him.

The present Constitution of the State went into operation on the 13th day of July, 1868. It provides that the salaries of certain officers "shall neither be increased nor diminished during the period for which they shall have been elected." Among them is the Attorney-General. His salary was fixed by section 109 of the Revised Code, at the sum of two thousand dollars. This section has not been amended. And as the salary of the Attorney-General could not be increased, under the Constitution by the mere act of appropriation, approved since my induction into office, I have declined to receive the additional eight hundred dollars.

As the House of Representatives is about to consider the "bill of appropriations for the fiscal year ending on the 30th September, 1872," I deem it proper to make this statement.

I am, very respectfully, your obedient servant,

JOHN W. A. SANFORD.

ABRAM MARTIN was born and educated in South Carolina, whence he removed to Tennessee, and afterward to Alabama, settling in Montgomery as a lawyer.

On the death of Judge William R. Pickett, in 1837, he was elected Judge of the Circuit Court. At various times Judge Martin has executed with ability and faithfulness a number of honorable commissions from the State. He has always maintained a high rank at the bar, and for usefulness as a citizen. At a venerable age, his influence is still exerted for the public good. He was a brother of the late John Martin, who for many years was President of the Branch Bank at Montgomery.

N. H. R. DAWSON, of Dallas, served in the Legislature through the sessions of 1863 and 1864. He was a delegate to the Democratic National Conventions in 1860. His father, the late Lawrence E. Dawson, Esq., is honorably mentioned by Judge O'Neall, in the "Bench and Bar of South Carolina," as a lawyer of great ability and eloquence. Possessed of fine talents and culture, the son resides at Selma, in the meridian of life, and is a partner of Gen. E. W. Pettus in the practice of law.

AUGUSTUS B. FANNIN, of Macon, was formerly a Representative in the Legislature of Georgia, and on his retiring from that body, in 1859, a complimentary resolution, offered by Mr. George N. Lester, of Cobb, was adopted: "That we part with our fellow Representative with sincere regret, and that go where he may, our best wishes for his prosperity and happiness will ever attend him."

Coming to Alabama soon thereafter, he was elected to the House of Representatives, where his expansive views, his lofty bearing and ripe statesmanship, soon made him a man of note.

In politics, he was an old line Whig, and supported Bell and Everett, in 1860. But after Alabama seceded, he did not hesitate to espouse her measures of self-vidication.

Prudent in his arrangements, and stripped of property by the war, he took out a policy of insurance on his life for \$10,000, to save his family from pecuniary distress in case of his death. While on a visit to Montgomery, in December, 1868, he died suddenly at the house of his brother-in-law, Fort Hargrove, Esq., much lamented by all who knew him.

WILLIAM H. BARNES came from Georgia to Alabama, and was admitted to the bar in 1845, locating at Dadeville, whence, in 1857, he removed to LaFayette, where he resided until 1869, and then came to Opelika, where he now resides, in the successful practice of his profession. He was a member of the Convention of 1861, and in August of that year he was elected to the Senate, in which he served during the war, and was reelected in 1865. As Chairman of the Judiciary Committee, his able reports contributed much to the dispatch of the public business.

WILLIAM M. BROOKS was elected Solicitor in 1840, and again in 1844. In 1857, he was appointed Judge of the Circuit Court. He belonged to the Southern wing of the Democratic party, which supported Mr. Breckinridge for President, and was a delegate to the Charleston and Baltimore Conventions of 1860. In 1861, he was a delegate from Perry county, and was President of the convention which passed the Ordinance of Secession.

LEWIS L. CATO served in the Senate from Barbour county, from 1862 to 1865, with great efficiency, and was heard with pleasure on all questions which he thought proper to discuss. He was dignified and courteous, rigidly adhering to parliamentary law. He died from paralysis since the war.

WILLIAM H. CHAMBERS, of Barbour, was a Georgian, a member of the bar, and also a successful merchant at Eufaula. He was highly educated, and served in the Legislature in 1859 and 1863, with reputation. He was a Christian gentleman of great suavity of manner.

DAVID CLOPTON, a native of Georgia, was educated at Randolph Macon College, Virginia. In 1859, he was elected to Congress. In 1860, he was appointed by Gov. Moore, a Commissioner to Delaware, in view of the great Southern movement. He is a gentleman of eminent abilities, and a member of the Methodist Episcopal Church, and President of the Board of Trustees of

East-Alabama College. From Eufaula he removed to Montgomery, where he now resides.

ROBERT H. ERWIN, of Wilcox, came to the House in 1853, and to the Senate in 1863. Well educated, of noble qualities of mind and heart, he sustained a high rank in public and social life. He married a daughter of James Tait, Esq., a wealthy planter of Wilcox, and is now (1872) a member of a commission house in Mobile.

JOHN FORSYTH, of Mobile, son of the late Hon. John Forsyth, of Georgia, was an officer in the Mexican war, in which he acted with much gallantry. For many years he has stood at the head of the Democratic press of Alabama, as editor of the "Mobile Register," a thoroughly informed politician, who was appointed by President Pierce, Minister to Mexico, in charge of important negotiations in 1856.

In 1859, Mr. Forsyth was elected to the House from Mobile, and fully sustained his high reputation. He was decidedly Southern in his principles and feelings, and advocated, through the press and in the Legislature, the doctrine of State Rights. In 1860, he was a delegate to the Charleston Convention, and supported Mr. Douglas for the Presidency.

Soon after the Confederate Government was formed, President Davis appointed Mr. Forsyth, ex-Gov. Roman of Louisiana, and the Hon. Martin J. Crawford of Georgia, Commissioners to visit Washington City, and offer<sup>d</sup> to negotiate with President Lincoln, touching a peaceful and honorable arrangement of the differences growing out of the secession of the Southern States, which offer was rejected. During the war, and throughout the severe ordeal to which the Southern people have been subjected, Mr. Forsyth has been a fearless champion of the Constitution, and one of the ablest vindicators of the South.

SAMUEL A. HALE was editor of the "Flag of the Union," at Tuscaloosa, where I formed his acquaintance in 1837. He and Mr. James Phelan were afterward elected Public Printers. He sold out his interest in the office to John McCormick, Esq., about 1843, and then removed to Livingston, where he has since been engaged in the practice of the law.

In justice to Mr. Hale, it may be said, that he was uniformly opposed to what he considered the extravagant assumptions and pretensions of the State Rights party, "which culminated (to use his own language) in the secession of the Southern States—the most stupendous act of folly the world has ever seen. If the headstone of my grave should bear no other inscription, I would have it there recorded, that I was opposed to secession."

WILLIAM PINCKNEY JACK, a native of East-Tennessee, and connected with large family influences, was elected to the House from Franklin county in 1857, and served through the called session of 1860. He was a young man of ability and resolution, and assisted in maturing the measures necessary to protect the State. Although his future in public life seemed inviting, he retired after a short service, to resume the labors of his profession.

LEVI W. LAWLER, of Talladega, in early life, was Receiver of the Land Office at Mardisville, with great business qualities, which have led him to success and prosperity. He was elected a Brigadier-General of militia, and when the troubles of the South began to multiply, he took an extreme position with those who ultimately led Alabama out of the Union. He is a member of the Baptist Church, and belongs to the old commercial house of Baker, Lawler & Co., in Mobile.

HON. ROBERT B. LINDSAY is a native of Scotland, where he enjoyed the advantages of a liberal education. From his fourth to his thirtieth year, he was connected with schools—first as a pupil, and next as a teacher. The latter employment he pursued for some years after he emigrated to Alabama. He located in Tusculumbia, where he engaged successfully in the practice of the law. In the meantime, he married a daughter of Anthony Winston, Esq., a wealthy planter of North-Alabama.

In 1853, Mr. Lindsay was elected to the House from Franklin, and in 1857, to the Senate. He was an Elector on the Douglas ticket in 1860. In 1865, he was again returned to the Senate, and applied himself with diligence and ability to the work of legislation. He was a fine debater, clear in his statements and conclusions, and dignified in his address, always exercising a marked influence by his superior information and conservative views. At the Democratic State Convention, in September, 1870, he was nominated for Governor. He prosecuted the canvass ably and earnestly, and in November, he was elected over the incumbent, Gov. William H. Smith, the Radical candidate. At the proper time, he was installed in office, and after some delay, at one time likely to produce disagreeable consequences, the public records and property were turned over to him by his predecessor.

Gov. Lindsay has encountered with firmness many obstacles in his administration. Actuated by a patriotic desire to do right, and to serve the public faithfully, he was content with one term, and refused to permit his name to be used in the Nominating Convention of 1872. His happiness will be sought in retirement, and not in public strife.

DR. E. H. MOREN, a highly educated gentleman and accomplished physician, is a native of Virginia. Feeble health, attended by occasional bleeding at the lungs, induced him to travel extensively in the South, in the hope of improvement. Finding that the climate of Alabama agreed with him, he settled in Bibb county, in 1851, where, in 1860, he married Mary Frances, daughter of S. W. Davidson, Esq., a planter of large property and influence.

He was first returned to the Senate in 1861, and served continuously until the close of the session of 1866. He was a member of the Committee on Finance and Taxation, and by his zeal, intelligence, and activity, afforded valuable aid in devising a system of revenue at a time when the Treasury of Alabama was exhausted, and the public credit in imminent peril. He was Chairman of the Joint Committee on Retrenchment, and in February, 1866, he made a scrutinizing report, which may be seen on the Senate Journal, page 290.

In September, 1870, he was nominated by the Democratic and Conservative party as a candidate for Lieutenant-Governor. He boldly met the issues of the canvass, by addressing large multitudes of the people. The candidates for State offices adverse to the Radical party were elected—the official vote for Lieutenant-Governor being, for E. H. Moren, 78,681, and for P. Burton, 74,304—majority, 4,377.

The Legislature convened about the 20th of November, and the law required that the votes should be counted in joint meeting of the two Houses, during the first week of the session. In the meantime, Gov. Smith, the Radical incumbent, obtained an *injunction* from Chancellor Saffold, directed to R. N. Barr, President of the Senate, commanding him to abstain from counting the votes for Governor and State Treasurer until further judicial orders. When the hour of 2 o'clock arrived, on Saturday, the last day, as designated by the President of the Senate, the latter informed the two Houses in Convention, that, in obedience to the *injunction* served on him, for alleged illegality in the election, he would decline counting the votes for Governor and Treasurer, but was willing to count the votes for the other State officers. On examination of the returns, it was declared that, for Secretary of State, J. J. Parker had received 76,721 votes, and *J. T. Ravier*, 72,538; and for Attorney-General, John W. A. Sanford had received 77,736 votes, and Joshua Morse, 74,423. The two gentlemen having a majority were announced as duly elected.

The President, and all the members of the Senate, except Mr. A. N. Worthy, of Pike, belonged to the Radical or Republican party, then withdrew from the House, in order to prevent the returns for Governor and Treasurer being counted. Perhaps a few

Radical Senators lingered in the House. In the meantime, the Lieutenant-Governor elect having been notified by a Committee, appeared in the House, as in joint meeting, and took the oath of office, and forthwith assumed the chair as presiding officer. He directed the Secretary of State, C. A. Miller, to furnish the returns for Governor and Treasurer, which being done, they were counted and the result declared—for Robert B. Lindsay, 76,977 votes, and for William H. Smith, 75,568, showing a majority of 1,429 for Mr. Lindsay, who was proclaimed as duly elected Governor. For State Treasurer, the vote stood, for James F. Grant, 76,902; for Arthur Bingham, 74,376—showing a majority of 2,526, for the former, who was declared duly elected. Whereupon, a Committee at once waited upon the Governor elect, and escorted him to the Representative Chamber, as in presence of the two Houses, when he was duly installed into the Executive office. This consummation quieted a very great excitement in the public mind, as the proceedings by *injunction* were known to be frivolous, and intended to defeat the popular will as expressed at the ballot-box, thereby seeking to retain the Executive and the Treasury in the hands of a party who had been condemned by the people. For this peaceful and just termination of a bitter contest, Dr. Moren, the Lieutenant-Governor, is entitled to the public thanks.

He has presided over the Senate during his first term in a manner so able and satisfactory that, in June, 1872, he was nominated by a State Convention for reelection to the office, and at the present writing, (October, 1872) his prospects are encouraging for a renewal of the public confidence.

Such is the brief record of a gentleman who is entitled to high rank for uprightness, and for intelligence and public spirit in a legislative capacity. The author of this work had the pleasure of serving with Dr. Moren six sessions in the Senate, and had ample opportunity to know his true character.

## CHAPTER XLIII.

*Governors Parsons and Patton—Conclusion—Deferred Sketches.*

LEWIS E. PARSONS, a native of the State of New York, settled in Talladega, in 1841, where he established himself in the practice of the law. He rose rapidly, and was successful in his profession. A firm and decided Whig, in politics, without any compromise or concession, he was defeated for the Legislature on the American ticket, in 1855. In 1859, he was elected to the House of Representatives; and in 1860, he allied himself with the Democratic party as the best means, in his judgment, to save the country from threatened danger. In 1860, he was a delegate to the Baltimore Convention which supported Mr. Douglas for the Presidency. As a Representative in the Legislature, in 1863, he took a high position among men of talent and strong debating powers. From that time his character, as a public man, has been favorably known to the people of Alabama.

He has uniformly been a Union man, without disguise, though offering no factious opposition to the majority. All parties believed him honest, and only conservative in his views. When, in the Summer of 1865, President Johnson announced his policy of reorganizing the seceded States, Mr. Parsons was appointed Provisional Governor of Alabama, with every token of public approbation.

On the 20th of July, Gov. Parsons issued his proclamation, directing an election to be held in each county, on the 3d of August, for delegates to a State Convention, to assemble on the 12th of September, 1865. A summary of proceedings thereafter is given in a published manifesto issued by Gov. Parsons on the 20th December, 1865, formally relinquishing the Provisional Government, and concluding as follows:

The said Convention, in which the wisdom and patriotism of the people of Alabama are admirably blended, assembled at the Capitol on the day indicated, and was duly organized, each county in the State being represented by the same number of delegates as Representatives in the General Assembly of said State, on the 11th day of January, 1861; and after making many important changes of the Constitution of the State, among which are:

- An ordinance in relation to the institution of slavery, and the abolition thereof;
- An ordinance declaring the Ordinance of Secession null and void;
- An ordinance declaring null and void certain ordinances and other proceedings

of a Convention of the State of Alabama, adopted in January and March, A. D. 1861;

An ordinance declaring the war debt void, and for other purposes;

An ordinance concerning election of State, county, and municipal officers, and members of Congress, and for the assembling of the Legislature, at the Capitol, on the third Monday in November, 1865;

Adjourned to reassemble at the call of the Hon. Benjamin Fitzpatrick, President of the Convention, at any time before the first day of September, A. D. 1866;

That the Legislature assembled on the day appointed, to-wit: the 20th of November, A. D. 1865, and was organized according to the Constitution and laws of the State;

That among other acts, it adopted joint resolutions of the General Assembly of Alabama, ratifying an amendment to the Constitution of the United States, approved December 2d, 1865; and an act to protect freedmen in their rights of person and property in this State;

That Senators and Representatives have been elected by the people and State, to the Congress of the United States;

That the President of the United States has been officially advised, from time to time, of the foregoing acts performed for the purpose of restoring our beloved State to her proper relation to the Federal Union;

That on the 10th day of December, 1865, the President of the United States authorised the inauguration of the Hon. Robert M. Patton, Governor elect of the State of Alabama, at such time as might be indicated by the Legislature;

That said inauguration took place on the 13th day of December, 1865, in the presence of a Convention of the Houses of the General Assembly of this State, in the hall of the House of Representatives, and, in accordance with the time-honored usage of this State, the great seal of the State was delivered to him as Governor of Alabama, by the Provisional Governor;

That on the 18th of December, instant, at the hour of 11 p. m., the Provisional Governor received a telegram from the Hon. William H. Seward, Secretary of State of the United States, dated at Washington on that day, informing him that "the time had arrived when, in the judgment of the President of the United States, the care and conduct of the proper affairs of the State of Alabama may be remitted to the Constitutional authority, chosen by the people thereof, without danger to the peace and safety of the United States. By direction of the President, therefore, you are relieved from the trust which was heretofore reposed in you as Provisional Governor of Alabama. Whenever the Governor elect shall have accepted and become qualified to discharge the duties of the Executive office, you will transfer the papers and property of the State now in your custody, to his Excellency the Governor elect."

Now, therefore, I, Lewis E. Parsons, as Provisional Governor, under the instructions aforesaid, do by these presents, in this solemn and public manner, transfer the papers and property of the State, now in my custody, to his Excellency, Robert M. Patton, Governor of the State of Alabama.

No attempt will be made here to give a history of the brief administration of Gov. Parsons, under the novel and peculiar circumstances in which he was placed. The State Convention of September, over which the Hon. Benjamin Fitzpatrick presided, unanimously

*Resolved*, That this Convention express its confidence in the integrity, patriotism, and capacity, of Hon. Lewis E. Parsons, Provisional Governor of this State, and the members hereof acknowledge the courtesy and kindness which have uniformly distinguished his conduct in his intercourse with them.

As evidence of a still higher degree of public favor, the General Assembly, at its session in November and December, 1865,

unanimously elected ex-Gov. Parsons a Senator in the Congress of the United States for a term of six years. That he was not permitted by the powers at Washington to take his seat, does not impair the force of the compliment.

My purpose has been to make a brief record of the public life of ex-Gov. Parsons, without touching, in the smallest degree, the course of action he has thought proper to pursue on political questions. Hitherto, the personal relations between him and the author of this work have been of the most friendly character, and they are still unchanged.

Intellectually, Gov. Parsons is a strong man. For thirty years he has been a citizen of Alabama, and a leading member of the bar, always maintaining a spotless name in his profession, and in the private walks of life. He married Miss Wake, of Kentucky, a lady of great intelligence and worth, who has greatly contributed to his happiness. Possessing an easy fortune in retirement, he still pursues the labor of his profession with the industry of former years, and is noted for his kindness of heart, and for his liberal public charities.

ROBERT M. PATTON is a native of Virginia, and settled in North-Alabama as a merchant, in which pursuit he was quite successful. He has served a long time in the Legislature from Lauderdale. In 1847, he was a Whig member of the House, and in 1855, was elected to the Senate, about which time he attached himself to the Democratic party, when the American organization assumed such a formidable aspect in public affairs. In 1861, he was elected President of the Senate.

His course in the Senate was marked by great intelligence and propriety. He was to all intents and purposes a laborious and useful member, always ready to lend his counsels to the public good, and to support such measures as the welfare of the people demanded.

In 1865, he was brought forward for Governor, and was elected over Col. M. J. Bulger. He took charge of the Executive office in December, 1865, where he remained until July, 1868, when he was displaced by the Reconstruction measures of Congress. His administration was beset with many difficulties. The State had just passed through an exhausting struggle, which left her powerless, and at the feet of the conquerer. A military commander supervised his appointments to office, and almost every official act. Armed men were always present at the Capitol to inspire awe, and challenge obedience. Yet, calm, prudent, and with business tact and energy, he did the best which circumstances permitted. To do him complete justice would require a more extended notice than the present occasion would allow. His com-

munications to the Legislature and his whole official record should pass in review, in order that a correct judgment might be formed of this good man, and patriotic citizen. He was always foremost in his public and private character, in relieving the necessitous classes of our people during and at the close of the war. He is a member of the Presbyterian Church, and has long been connected with Sunday-schools. Such an example deserves the highest commendation,

#### CONCLUSION.

Here my task is finished, for the present, as to the Public Men of Alabama. I have passed over the ground covered by my "Reminiscences," and have noticed, to a greater or less extent, several hundred characters, who have figured on the political arena. This task has been performed in a spirit of impartiality and faithfulness. The space between 1860 and 1865 has been left, in a great measure, unoccupied—the events and legislation of that period being of such a nature as to render the labor of condensation too delicate and responsible for the pen of the author, in view of the large quantity of matter before it was reached.

The Appendix will furnish a record copious in extent and variety, which it is believed will prove of general interest to the people of Alabama. No labor of this kind has ever before been attempted in the State to preserve the memory of so many actors on the public stage.

The author exceedingly regrets that the names of a number of gentlemen of whom special notices had been prepared in Chapters XLIII and XLIV, as the work was originally planned, do not appear in this volume. Should it be his fortune to come before the public, at another time, with additional "Reminiscences," for which abundant materials exist, the author will take pleasure in incorporating these memoirs, which now, for the want of space, are necessarily deferred. The best atonement he can make for the temporary omission, is to give the names embraced in the manuscript, which, from excess of quantity, has been abridged, so as to come within the limits of this volume. Those names are the following:

1. Francis B. Clarke, of Mobile;
2. Nicholas Davis, Jr., of Limestone;
3. James W. Echols, of Macon;
4. Frederick G. Ferguson, of Macon;
5. William H. Forney, of Calhoun;
6. Charles P. Gage, of Mobile;

7. John Grant, of Mobile;
8. C. C. Huckabee, of Greene;
9. James Jackson, of Lauderdale;
10. John C. Judkins, of Macon;
11. John Y. Kilpatrick, of Clarke;
12. Samuel Leeper, of Shelby;
13. Robert F. Ligon, of Macon;
14. Wylie W. Mason, Chancellor;
15. J. C. Meadors, of Chambers;
16. Warner W. Meadors, of Chambers;
17. Americus C. Mitchell, of Barbour;
18. Sydenham Moore, of Greene;
19. Ezekiel A. Powell, of Tuskaloosa;
20. Richard H. Powell, of Bullock;
21. Daniel Pratt, of Autauga;
22. Turner Reavis, of Sumter;
23. William Richardson, of Limestone;
24. James L. Sheffield, of Marshall;
25. Martin L. Stansel, of Pickens;
26. Lewis Stone, of Pickens;
27. Dr. Frank W. Sykes, of Lawrence;
28. John R. Tompkins, of Sumter;
29. George S. Walden, of Talladega;
30. Robert B. Waller, of Greene;
31. Newton L. Whitfield, of Tuskaloosa;
32. Dr. Alfred M. Worthy, of Pike.



# APPENDIX.

## AN ACT

To authorize WILLIAM GARRETT, late Secretary of State, to make certain lists from the Registers and Journals in the State Department and State Library, to aid in the completion of a roll of public officers and members of the Legislature in the State, to form a part of his Reminiscences of Public Men in Alabama for thirty years.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That WILLIAM GARRETT, of Coosa county, late Secretary of State, be, and he is, authorized to use and make extracts from any of the official Registers or Journals of the two Houses of the General Assembly in the State Department or State Library, in making a list of public officers and members of the General Assembly from the organization of the State Government, and that he shall be allowed to make such extracts free of charge or hindrance; *Provided*, That none of such Registers or Records shall be removed from the Capitol in making such lists.

Approved February 13, 1872.

### I. ROLL OF THE GENERAL ASSEMBLY.

Names of Senators and Representatives in the Legislature of Alabama, from 1819 to 1872. [Names of Senators in *Italics*.]

#### I. AUTAUGA COUNTY.

- 1819—*Howell Rose*, Philips Fitzpatrick, Charles A. Dennis.  
1820—*Howell Rose*, James Jackson, Philips Fitzpatrick.  
1821—*Howell Rhose*, William R. Pickett, John Elmore.  
1822—William R. Pickett, Philips Fitzpatrick.  
1823—William R. Pickett. 1824—William R. Pickett.  
1825—*James Jackson*, Robert Brodnax, John McNeill.  
1826—*James Jackson*, Robert Brodnax, Eli Terry.  
1827—*Robert Brodnax*, Eli Terry. 1828—*Robert Brodnax*, Eli Terry.  
1829—*William R. Pickett*, Robert Brodnax, William Hester.  
1830—*William R. Pickett*, Robert Brodnax, Dixon Hall, Senr.  
1831—*William R. Pickett*, Robert Brodnax, Dixon Hall, Senr.  
1832—*William R. Pickett*, Robert Brodnax, S. S. Simmons.  
1833—*William R. Pickett*, S. S. Simmons, Dixon Hall, Jr.  
1834—*Robert Brodnax*, S. S. Simmons, William Burt, James B. Robinson.  
1835—*Robert Brodnax*, S. S. Simmons, Benjamin Davis, Dixon Hall, Jr.

- 1836—*Robert Brodnax*, S. S. Simmons, Ben. Davis, John P. De Jarnette.  
 1837—*Samuel S. Simmons*, W. Burt, T. W. Brevard, John P. De Jarnette.  
 1838—*Samuel S. Simmons*, D. Hall, Jr., Thomas Hogg, John W. Withers.  
 1839—*Samuel S. Simmons*, Dixon Hall, Jr., John W. Withers.  
 1840—*Dixon Hall*, Benjamin Davis, Absalom Doster.  
 1841—*Dixon Hall*, William S. Morgan, John Steele.  
 1842—*Dixon Hall*, William S. Morgan, John E. Mitchell.  
 1843—John Steele, Crawford M. Jackson.  
 1844—John Steele, Crawford M. Jackson.  
 1845—Crawford M. Jackson, John Steele.  
 1847—*Seth P. Storrs*, C. M. Jackson, John Wood.  
 1849—*Seth P. Storrs*, Bolling Hall, John Wood.  
 1851—*Seth P. Storrs*, Bolling Hall, Charles C. Howard.  
 1853—Bolling Hall. 1855—C. M. Jackson. 1857—C. M. Jackson.  
 1861—Daniel Pratt. 1863—Leonidas Howard.  
 1865—Charles S. G. Doster. 1868—A. Baker. 1870—C. S. G. Doster.

## II. BAKER COUNTY.

(Newly organized—not represented.)

## III. BALDWIN COUNTY.

- 1819—Thomas Carson. 1820—Joseph Mims.  
 1821—Elijah Montgomery. 1822—Ludd Harris. 1823—Silas Dinsmore, Jr.  
 1827—David Mims. 1829—David Mims. 1830—James F. Roberts.  
 1831—Joseph Hall. 1832—Joseph Hall. 1833—Joseph Hall.  
 1834—James L. Seaberry. 1835—Joseph Hall. 1836—Lee Slaughter.  
 1837—Cade M. Godbold. 1838—Cade M. Godbold. 1838—David Mims.  
 1840—Gerald B. Hall. 1841—Gerald B. Hall. 1842—William H. Gasque.  
 1843—Richard S. Moore. 1844—Gerald B. Hall. 1845—J. H. Hastie.  
 1847—R. McDonald. 1849—*Cade M. Godbold*, Reuben M. McDonald.  
 1851—William Booth. 1853—William Wilkins. 1855—P. H. Byrne.  
 1857—Joseph Nelson. 1859—T. C. Barlow. 1861—Reuben McDonald.  
 1863—R. B. Bryers. 1865—George W. Robinson.  
 1868—A. L. Holman. 1870—O. S. Holmes.

## IV. BARBOUR COUNTY.

- 1834—Osborn J. Williams. 1835—O. J. Williams. 1836—Green Beauchamp.  
 1837—*William Wellborn*, Green Beauchamp.  
 1838—*William Wellborn*, John P. Booth.  
 1839—*William Wellborn*, J. W. Mann, John W. A. Pettit.  
 1840—*Jefferson Buford*, J. W. Mann, William T. Shanks.  
 1841—*Jefferson Buford*, John L. Hunter, Hugh N. Crawford.  
 1842—*Jefferson Buford*, John W. A. Pettit, John Jackson.  
 1843—John Jackson, Judge Williams.  
 1844—Patrick H. Mitchell, B. F. Treadwell.  
 1845—*John Gill Shorter*, William T. Shanks, A. M. Sanford.  
 1847—*Jefferson Buford*, Hugh N. Crawford, L. S. Smith.  
 1849—*Jefferson Buford*, Benjamin Gardner, Paul McCall.  
 1851—*E. R. Flewellen*, John Gill Shorter, John W. W. Jackson.  
 1853—*Batt Peterson*, John Cochran, J. F. Conner, P. McCall.  
 1855—*Batt Peterson*, John Cochran, M. A. Browder, Worthy J. Grubbs.  
 1857—*Edwrrd C. Buclock*, Henry D. Clayton, John C. McRae, M. A. Browder.  
 1859—*Edward C. Bullock*, W. B. Bowen, H. D. Clayton, William H. Chambers.  
 1861—*Edward C. Bullock*, E. M. Herron, C. A. Parker, E. S. Ott.  
 1863—*Lewis L. Cato*, W. H. Chambers, C. A. Parker, Casper W. Jones.  
 1865—*Americus C. Mitchell*, H. Pipkin, G. H. Davis, Henry Faulk.  
 1869—*J. W. Mabry*, Thomas Diggs,\* C. Doster, David Lore.  
 1870—*J. W. Mabry*, Jacob Black, Thomas J. Clark,\* T. H. Diggs.\*

## • V. BIBB COUNTY.

- 1819—*Littlepage Simms*, Jonathan Jones.  
 1820—*Charles A. Dennis*, Gabriel Benson.  
 1821—*Mathew Jones*. 1822—*J. Jones*, John Wallace.  
 1823—*Charles A. Dennis*, Alexander Hill.  
 1824—*Alexander Hill*, Jonathan Jones.  
 1825—*Jonathan Jones*. 1826—*Jonathan Jones*.  
 1827—*James B. Clark*. 1828—*James B. Clark*, Alexander Hill.  
 1829—*Thomas Crawford*, J. B. Clark, Jonathan Jones.  
 1830—*Thomas Crawford*, David R. Boyd, J. B. Clark.  
 1831—*Thomas Crawford*, D. R. Boyd, Julius Goodwin.  
 1832—*Alexander Hill*, James W. Davis, John E. Summers.  
 1833—*Alexander Hill*, James W. Davis, John E. Summers.  
 1834—*Alexander Hill*, David E. Davis, and Hopkins Pratt.  
 1835—*James Hill*, David E. Davis, Robert Parker.  
 1836—*James Hill*, John Williams, William Christian.  
 1837—*James Hill*, James W. Davis, Robert Parker.  
 1838—*James Hill*, Lewis Kennedy, John E. Summers.  
 1839—*James Hill*; *Frederick James*, John Williams.  
 1840—*S. W. Davidson*, David E. Davis.  
 1841—*David E. Davis*, Ezekiel Henry.  
 1842—*Robert Hill*, Kenneth Morrison.  
 1843—*Pleasant Hill*, David E. Davis.  
 1844—*B. L. Defrese*, Kenneth Morrison.  
 1845—*Robert Hill*. 1847—*James W. Davis*.  
 1849—*Oliver S. Quinn*. 1851—*James W. Davis*.  
 1853—*James W. Davis*, Charles P. Findley.  
 1855—*J. Bernhard*, Dr. Crawford.  
 1857—*Robert Parker*. 1859—*S. W. Davidson, Jr.*  
 1861—*E. H. Moren*, H. D. Calhoun.  
 1863—*E. H. Moren*, James W. Davis.  
 1865—*E. H. Moren*, James W. Davis.  
 1868—*J. W. Mahon*, P. A. Kendrick. 1870—*T. J. Smitherman*.

## VI. BLOUNT COUNTY.

- 1819—*Gabriel Hanby*, John Brown, Isaac Brown, Benjamin Matterson.  
 1820—*Isaac Brown*, John Brown, (Col.) John Brown.  
 1821—*John Brown*, Moses Ayres.  
 1822—*Marston Mead*. 1823—*Marston Mead*.  
 1824—*Marston Mead*. 1825—*Marston Mead*.  
 1826—*Marston Mead*. 1827—  
 1828—*William H. Musgrove*, David Rogers.  
 1829—*Marston Mead*, Daniel Murphree.  
 1830—*William H. Musgrove*, Daniel Murphree.  
 1831—*William H. Musgrove*, Thomas Shearer.  
 1832—*William H. Musgrove*, Samuel Johnson.  
 1833—*William H. Musgrove*, Samuel Johnson.  
 1834—*Samuel Johnson*, Daniel Murphree, Emery Loyd.  
 1835—*William H. Musgrove*, E. Loyd, Middleton S. Johnson.  
 1836—*William H. Musgrove*, M. S. Johnson, Enoch Aldridge.  
 1837—*William H. Musgrove*, Joseph Tiffin, Enoch Aldridge.  
 1838—*Emery Loyd*, Greenberry H. Harrison, Marston Mead.  
 1839—*Emery Loyd*, Mace T. P. Brindley, Ira E. McMillan.  
 1840—*Emery Loyd*, Ira E. McMillan, Godfrey Fowler.  
 1841—*Mace T. P. Brindley*, Ira E. McMillan, William H. Musgrove.  
 1842—*Mace T. P. Brindley*, Godfrey Fowler, Isaac Whorton.  
 1843—*Mace T. P. Brindley*, Enoch Aldridge, Ira E. McMillan.  
 1844—*Mace T. P. Brindley*, Enoch Aldridge, Aquilla Jones.

- 1845—*Mace T. P. Brindley*, Enoch Aldridge.  
 1847—*Mace T. P. Brindley*, Enoch Aldridge.  
 1849—*Mace T. P. Brindley*, Enoch Aldridge.  
 1851—*Enoch Aldridge*, Thomas W. Staton.  
 1853—*Mace T. P. Brindley*, Enoch Aldridge, William P. St. John.  
 1855—*Mace T. P. Brindley*, Thomas W. Staton, Reuben Ellis.  
 1857—Thomas W. Staton, William H. Edwards.  
 1859—*Thomas W. Staton*, Enoch Aldridge, A. M. Gibson.  
 1861—*William N. Crump*, Enoch Aldridge, Reuben Ellis.  
 1863—*William N. Crump*, Reuben Ellis, A. M. Gibson.  
 1865—*William H. Edwards*, A. M. Gibson, S. Palmer.  
 1868—J. White. 1870—A. P. Payne.

## VII. BULLOCK COUNTY.

- 1868—\**B. F. Royal*, D. H. Hill, D. A. McCall.  
 1870—\**B. F. Royal*, G. M. Drake, Lawrence Speed.

## VIII. BUTLER COUNTY.

- 1825—Nathaniel Cook. 1826—Nathaniel Cook.  
 1827—Nathaniel Cook. 1828—Nathaniel Cook.  
 1829—Nathaniel Cook. 1830—Nathaniel Cook.  
 1831—Nathaniel Cook. 1832—Nathaniel Cook.  
 1833—Edward Bowen. 1834—Edward Bowen, H. L. Henderson.  
 1835—H. L. Henderson, John W. Womack.  
 1836—H. L. Henderson, Henry T. Jones.  
 1837—*Herndon L. Henderson*, John W. Womack, H. T. Jones.  
 1838—*Herndon L. Henderson*, Henry T. Jones, Walter H. Crenshaw.  
 1839—*Herndon L. Henderson*, James W. Wade, Jesse Womack.  
 1840—*Jesse Womack*, Walter H. Crenshaw, Edward Bowen.  
 1841—*Jesse Womack*, Walter H. Crenshaw, Joseph Rhodes.  
 1842—*Asa Arrington*, Thomas H. Watts, H. L. Henderson.  
 1843—*Asa Arrington*, M. D. K. Taylor, W. H. Trawick.  
 1844—*Asa Arrington*, Thomas H. Watts, Joseph Rhodes.  
 1845—Marion D. K. Taylor, Thomas H. Watts.  
 1847—Walter H. Crenshaw, B. W. Henderson.  
 1849—John S. McMullen, Edward Bowen.  
 1851—*Walter H. Crenshaw*, J. S. McMullen, Brockman W. Henderson.  
 1853—*Walter H. Crenshaw*, Thomas J. Bennett, James R. Yeldell.  
 1855—R. R. Wright, John S. McMullen.  
 1857—*Thomas J. Burnett*, Samuel Adams, A. B. Scarborough.  
 1859—*Thomas J. Burnett*, Samuel Adams, M. C. Lane.  
 1861—Walter H. Crenshaw, Thomas J. Burnett.  
 1863—Walter H. Crenshaw, S. F. Gafford.  
 1865—*Walter H. Crenshaw*, S. F. Gafford, Thomas C. Crenshaw.  
 1868—*William Miller, Jr.*, John A. Hunt.  
 1870—*William Miller, Jr.*, J. L. Powell.

## IX. CALHOUN (PREVIOUS TO 1855 BENTON) COUNTY.

- 1834—*William Arnold*, Charles Lewis. 1835—*William Arnold*, Jesse Turner.  
 1836—*William Arnold* John Turner. 1837—*William Arnold*, William B. Martin.  
 1838—*William Arnold*, William B. Martin.  
 1839—*John R. Clarke*, Thomas A. Walker, John Cochran, John T. A. Hughes.  
 1840—*John R. Clarke*, T. A. Walker, J. T. A. Hughes, Stephen Kelly.  
 1841—*John R. Clarke*, T. A. Walker, John Cochran, Matthew Allen.  
 1842—*Thomas A. Walker*, William B. Martin, J. Cochran, Miles W. Abernathy.  
 1843—*Thomas A. Walker*, W. B. Martin, Matthew Allen, Henry T. Reed.  
 1844—*Thomas A. Walker*, William Young, Spartan Allen, Lewis D. Jones.  
 1845—*John R. Clarke*, Matthew Allen, A. J. Walker, Elijah Kerr.

- 1847—*William B. Martin*, R. H. Wilson, Woodford Hanna, Giles L. Driver.  
 1849—*William B. Martin*, George C. Whatley, Asa Skelton, John N. Young.  
 1851—*A. J. Walker*, Martin Allen, William P. Davis, William C. Price.  
 1853—*William B. Martin*, Asa Skelton, W. P. Davies, J. N. Wills.  
 1855—*Miles W. Abernathy*, J. P. Moragne, W. P. Davis, Gideon C. Ellis.  
 1857—*Miles W. Abernathy*, John H. Caldwell, John H. Wright, J. J. Baugh.  
 1859—*Thomas A. Walker*, William H. Forney, J. H. Wright, William T. Bushe.  
 1861—*Thomas A. Walker*, S. M. Caruth, D. D. McClelland, W. B. Martin.  
 1863—*Thomas A. Walker*, W. M. Hames, D. T. Ryan, E. T. Reed.  
 1863—*William H. Forney*, W. J. Borden, H. McBee, G. C. Ellis.  
 1868—*Thomas D. Fister*. 1870—*James Crook*.

## X. CHAMBERS COUNTY.

- 1834—*Nathaniel H. Grice*. 1835—*Leroy McCoy*. 1836—*Charles McLemore*.  
 1837—*Charles McLemore*. 1838—*William L. Crayton*.  
 1839—*George Reese*, Toliver Towles, Arnold Seale.  
 1840—*George Reese*, Charles McLemore, Leroy McCoy.  
 1841—*George Reese*, Charles McLemore, Matthew Phillips.  
 1842—*James E. Reese*, Charles McLemore, William S. Morgan.  
 1843—*James E. Reese*, William Holstein, Charles McLemore.  
 1844—*James E. Reese*, Waid Hill, Nathaniel Grady.  
 1845—*Charles McLemore*, N. Grady, Daniel S. Robertson, G. D. Brantly, Waid Hill.  
 1847—*Robert P. Mitchell*, Fortune M. Chisolm, La Fayette Robinson, Toliver Towles, Green D. Brantly.  
 1849—*Charles McLemore*, Joseph Barrow, F. M. Chisolm, Benjamin L. Goodman, John M. Kennedy.  
 1851—*Charles McLemore*, William W. Carlisle, P. M. Allison, George W. Hendree, Calvin Presly.  
 1853—*Charles McLemore*, Daniel S. Robinson, Gibson F. Hill, Jesse B. Todd.  
 1855—*E. J. Bacon*, John R. Alford, Toliver Towles, George F. Taylor.  
 1857—*Robert Mitchell*, A. J. Carlisle, Warner W. Meadors.  
 1861—*William H. Barnes*, W. A. Johnson, T. L. Penn.  
 1863—*William H. Barnes*, J. J. McLemore, John C. Towles.  
 1865—*William H. Barnes*, J. C. Meadors, James L. Robinson.  
 1868—*W. L. Taylor*, B. McGraw. 1870—*Jonathan Ware*, R. B. Lumpkin.

## XI. CHEROKEE COUNTY.

- 1837—*George Clifton*. 1838—*George Clifton*.  
 1839—*George Clifton*, Samuel D. J. Moore.  
 1840—*John H. Garrett*, William G. Hale.  
 1841—*Arthur Foster*, John H. Garrett, William Henslee.  
 1842—*Arthur Foster*, Thomas B. Cooper, J. M. Hendrix.  
 1843—*Arthur Foster*, J. M. Hendrix, William P. Garrett.  
 1844—*William H. Garrett*, Thomas B. Cooper.  
 1845—*William H. Garrett*, F. M. Hardwick.  
 1847—*William H. Garrett*, F. M. Hardwick, William W. Little.  
 1849—*William H. Garrett*, Thomas B. Cooper, F. M. Hardwick.  
 1851—*William H. Garrett*, Thomas B. Cooper, Thomas S. Moragne.  
 1853—*John M. Hendrix*, James M. Clifton, G. W. Lawrence, Henry C. Sanford.  
 1855—*Benjamin C. Yancey*, E. G. Bradley, Sands C. Ward, Henry C. Sanford.  
 1857—*Samuel K. McSpadden*, L. M. Stith, A. G. Bennett, Thomas Espy, William A. Richardson.  
 1859—*Samuel K. McSpadden*, Dozier Thornton, James M. Clifton, Thomas B. Cooper, F. M. Hardwick.  
 1861—*F. M. Hardwick*, A. R. Brindley, W. W. Little, J. D. Miller, A. Snodgrass.  
 1863—*F. M. Hardwick*, John Brandon, Thomas B. Cooper, George W. Howell, W. A. Vincent.  
 1865—*A. L. Woodliff*, Thomas B. Cooper, J. W. Brandon, John Lawrence, John Potter.  
 1868—*Henry C. Sanford*, James A. Reeves. 1870—*James H. Leath*.

## XII. CHOCTAW COUNTY.

- 1853—Edward McCall. 1855—*Thomas M. C. Prince*, John W. Pennington.  
 1857—John W. Pennington, Ambrose Cullom.  
 1859—John G. Slater, T. L. Fielder.  
 1861—J. T. Foster, J. A. M. Thompson. 1863—James S. Evans, J. T. Foster.  
 1865—John T. Foster, G. F. Smith, Joshua Morse.  
 1868—*John T. Foster*, James S. Evans. 1870—*John T. Foster*, G. Frank Smith.

## XIII. CLARKE COUNTY.

- 1819—*Joseph B. Chambers*, William Murrell, G. W. Creagh.  
 1820—*Joseph B. Chambers*, William Murrell, G. W. Creagh.  
 1821—*Joseph B. Chambers*, James Magoffin, Edward Kennedy.  
 1822—*Neill Smith*, † James Fitz, Edward Kennedy.  
 1823—*Neill Smith*, James Fitz, John G. Creagh.  
 1824—*Neill Smith*, John G. Creagh, Richard Dickerson.  
 1825—*George S. Gaines*, John G. Creagh.  
 1826—*George S. Gaines*, Elias H. Dubose.  
 1827—*Joseph B. Earle*, ———. 1828—*Joseph B. Earle*, William Mobley.  
 1829—*Neill Smith*, William Mobley. 1830—*Neill Smith*, William Mobley.  
 1881—*Neill Smith*, Samuel Wilkinson. 1832—*Neill Smith*, John G. Creagh.  
 1833—John G. Creagh. 1834—Abel H. Dubose. 1835—Neill Smith.  
 1836—Thomas Sanders. 1837—R. P. Carney. 1838—Gerard W. Creagh.  
 1839—*Gerard W. Creagh*, Samuel Forwood.  
 1840—*Gerard W. Creagh*, William F. Jones.  
 1841—*Gerard W. Creagh*, Lorenzo James. 1842—*Gerard W. Creagh*, Peter Dubose.  
 1843—*Gerard W. Creagh*, John W. Portis.  
 1844—*Gerard W. Creagh*, John W. Portis.  
 1845—*Gerard W. Creagh*, Morgan Carleton.  
 1847—*Gerard W. Creagh*, Thomas B. Rivers.  
 1849—*Gerard W. Creagh*, Lorenzo James.  
 1851—*Lorenzo James*, A. J. Henshaw.  
 1853—*James S. Dickinson*, E. S. Thornton.  
 1855—James J. Goode. 1857—James J. Goode. 1859—W. J. Hearin.  
 1861—*Origen S. Jewett*, W. J. Hearin.  
 1863—*Robert Brodnax*, John Y. Kilpatrick.  
 1865—*John Y. Kilpatrick*, Thomas B. Savage.  
 1868—B. R. Wilson. 1870—H. C. Grayson.

## XIV. CLAY COUNTY.

- 1868—T. W. Newsom. 1870—J. H. White.

## XV. CLEBOURNE COUNTY.

- 1868—*H. H. Wise*, M. R. Bell. 1870—*H. H. Wise*, Wilson P. Howell.

## XVI. COFFEE COUNTY.

- 1845—*Jones B. Kendrick*, Abraham Warren.  
 1847—*Lewis Hutcheson*, Irwin Rodgers.  
 1849—*Jesse O'Neal*, William Holley.  
 1851—*Jesse O'Neal*, William Holley.  
 1853—*Jesse O'Neal*, Gappa T. Yelverton.  
 1855—*Daniel H. Horn*, A. L. Milligan.  
 1857—*Daniel H. Horn*, Jeremiah Warren.  
 1859—*Daniel H. Horn*, Jeremiah Warren.  
 1861—Hill R. H. Horn. 1863—John G. Moore.  
 1865—John G. Moore. 1868—John G. Moore. 1870—John G. Moore.

†Dr. Smith was several times a member of the North Carolina House of Commons, his first session being 1810.

## XVII. COLBERT COUNTY.

1868—C. P. Simmons. 1870——

## XVIII. CONECUH COUNTY.

1819—*John Herbert*, William Lee, Thomas Watts.  
 1820—*John Herbert*, Samuel Cook, Thomas Armstrong.  
 1821—*John W. Devereux*, Eldridge S. Greening, John E. Graham.  
 1822—*John W. Devereux*, Samuel W. Oliver, John Fields.  
 1823—*John W. Devereux*, S. W. Oliver, James Salter.  
 1824—*John W. Devereux*, S. W. Oliver, John Green.  
 1825—*William Jones*, S. W. Oliver, Eldridge S. Greening.  
 1826—*William Jones*, S. W. Oliver, Eldridge S. Greening.  
 1827—*William Jones*, S. W. Oliver, Eldridge S. Greening.  
 1828—*William Hemphill*, Joseph P. Clough, James Salter.  
 1829—*William Hemphill*, John Green, Henry E. Curtis.  
 1830—*William Hemphill*, Joseph P. Clough, Samuel Dubose.  
 1831—*William Hemphill*, John Watkins, S. W. Oliver.  
 1832—*William Hemphill*, S. W. Oliver, Julian S. Devereux.  
 1833—*William Hemphill*, S. W. Oliver, Watkins Salter.  
 1834—*William Hemphill*, S. W. Oliver.  
 1835—*William Hemphill*, William Ashley.  
 1836—*Samuel W. Oliver*, J. V. Perryman.  
 1837—*John W. Devereux*, J. V. Perryman.  
 1838—*John W. Devereux*, James M. Bolling.  
 1839—James M. Bolling. 1840—William A. Bell.  
 1841—Churchill Jones. 1842—Churchill Jones.  
 1843—Churchill Jones. 1844—A. W. Jones.  
 1845—James A. Stallworth. 1847—J. A. Stallworth.  
 1849—William A. Ashley. 1851—William A. Ashley.  
 1853—*William A. Ashley*, Andrew Jay.  
 1855—*William A. Ashley*, Andrew Jay.  
 1857—John D. Cavey. 1859—John D. Cavey.  
 1861—William A. Ashley. 1863—William Green.  
 1865—*William A. Ashley*, Francis M. Walker.  
 1868—J. Yates. 1870—J. W. Etheridge.

## XIX. COOSA COUNTY.

1837—William W. Morris. 1838—William W. Morris.  
 1839—Armistead B. Dawson. 1840—William W. Morris.  
 1841—William L. Yancey. 1842—Anderson H. Kendrick.  
 1843—*William L. Yancey*, Howell Rose.  
 1844—*Sampson W. Harris*, Howell Rose.  
 1845—*Sampson W. Harris*, Howell Rose, James R. Powell.  
 1847—Daniel Crawford, Samuel Spigner.  
 1849—Anderson H. Kendrick, Frederick F. Foscue.  
 1851—Neill S. Graham, Henry W. Cox.  
 1853—*James R. Powell*, William Garrett, James H. Weaver.  
 1855—*James R. Powell*, Neill S. Graham, George Taylor.  
 1857—*Daniel Crawford*, Alex. Smith, Geo. E. Brewer, Evan Calfee.  
 1859—*George E. Brewer*, Alex. Smith, Calvin Humphries, W. D. Walden.  
 1861—*George E. Brewer*, D. W. Bozeman, Albert Crumpler, Allen D. Maxwell.  
 1863—*William Garrett*, Thomas U. T. McCain, E. S. C. Parker, James Vansandt.  
 1865—*William Garrett*, T. U. C. McCain, J. Vansandt, John Edwards.  
 1868—*Thomas Lambert*, James Vansandt.  
 1870—William L. Johnson.

## XX. COVINGTON COUNTY.

1837—Josiah Jones. 1838—Josiah Jones.  
 1839—Josiah Jones. 1840—Laird B. Fleming.  
 1841—Josiah Jones. 1842—Josiah Jones.  
 1843—George A. Snowden. 1844—George A. Snowden.  
 1845—George A. Snowden. 1847—Josiah Jones.  
 1849—Alfred Holley. 1851—George A. Snowden.  
 1853—Alfred Holley. 1855—W. T. Acree.  
 1857—Alfred Holley. 1859—Alfred Holley.  
 1861—*De Witt C. Davis*, J. G. Robinson.  
 1863—*De Witt C. Davis*, Alfred Holley.  
 1865—*De Witt C. Davis*, J. B. Chapman.  
 1868—C. J. Mancill. 1870—C. J. Mancill.

## XXI. CRENSHAW COUNTY.

1868—William Mastin. 1870—W. P. Callaway.

## XXII. DALE COUNTY.

1833—Abraham Warren. 1834—Abraham Warren.  
 1835—Abraham Warren. 1836—Abraham Warren.  
 1837—Abraham Warren. 1838—Abraham Warren.  
 1839—Abraham Warren. 1840—J. G. Blair.  
 1841—Archibald H. Justice. 1842—Levin A. Skipper.  
 1843—J. H. Calloway. 1844—John Merrick.  
 1845—John Merrick. 1847—James C. Ward.  
 1849—E. R. Boon. 1851—E. R. Boon.  
 1853—James C. Ward. 1855—James C. Ward.  
 1857—*James McKinnie*, Haywood Martin, Elias Register.  
 1859—Noah Fountain, L. Griffin. 1861—D. B. Creech, J. L. Lee.  
 1863—*R. P. Peacock*, Q. L. C. Franklin, H. I. M. Kennon.  
 1865—*R. P. Peacock*, P. M. Calloway, C. T. Cotton.  
 1868—*Philip King*, J. R. Ard.  
 1870—*Philip King*, J. M. Carmichael.

## XXIII. DALLAS COUNTY.

1819—*Thomas Casey*, Edwin D. King, James Saffold.  
 1820—*Thomas Ringold*, Isaac S. McMeans, Horatio S. Perry.  
 1821—*Thomas Casey*, Walter Crenshaw, Randall Duckworth.  
 1822—*Thomas Casey*, Thomas B. Rutherford, Walter Crenshaw.  
 1823—*Thomas Casey*, Walter Crenshaw, George Phillips.  
 1824—*Thomas Casey*, Walter Crenshaw, Joseph Pickens.  
 1825—*Thomas Casey*, Joseph Pickens, James Saffold, Walter Crenshaw.  
 1826—*Thomas Casey*, Bernard Johnson, Walter Crenshaw, J. Pickens.  
 1827—*Thomas Casey*, Erasmus Walker, John C. Sharp, John A. Tarver.  
 1828—*Thomas Casey*, Ezekiel Pickens, E. Walker, John A. Tarver.  
 1829—*Horatio G. Perry*, Uriah Grigsby, W. Taylor, J. C. VanDyke.  
 1830—*Horatio G. Perry*, Benjamin R. Hogan, William Taylor, P. W. Herbert.  
 1831—*Horatio G. Perry*, Peter W. Herbert, John W. Paul, E. Saunders.  
 1832—*George Phillips*, Peter Walter Herbert, Ethelbert W. Saunders.  
 1833—*George Phillips*, George W. Gayle, E. W. Saunders, Jesse Beene.  
 1834—*George Phillips*, B. Johnson, George W. Gayle, James M. Calhoun.  
 1835—*Jesse Beene*, Burwell Boykin, J. M. Calhoun, J. P. Saffold.  
 1836—*Jesse Beene*, J. M. Calhoun, B. Boykin, J. J. Greening.  
 1837—*Jesse Beene*, J. M. Calhoun, W. S. Phillips, J. J. Greening.  
 1838—*James M. Calhoun*, W. S. Phillips, Uriah Grigsby, W. C. Clifton.  
 1839—*James M. Calhoun*, Daniel H. Norwood, William H. Norris.  
 1840—*William S. Phillips*, Daniel H. Norwood, William H. Norris.

- 1841—*William S. Phillips*, Daniel H. Norwood, William H. Norris.  
 1842—*William S. Phillips*, James M. Calhoun, William H. Norris.  
 1843—*William H. Norris*, Robert S. Hatcher, Geo. R. Evans.  
 1844—*William H. Norris*, William B. King, C. B. Watts.  
 1845—*William H. Norris*, George W. Gayle, E. W. Saunders.  
 1847—*Charles G. Edwards*, George C. Phillips, Ashley W. Spaight.  
 1849—*Charles G. Edwards*, Robert S. Hatcher, George P. Blevins.  
 1851—*F. A. Saunders*, H. Bussey, Benjamin M. Woolsey.  
 1853—*Samuel R. Blake*, R. S. Hatcher, George C. Phillips.  
 1855—*Robert S. Hatcher*, R. J. English, B. M. Woolsey.  
 1857—*James M. Calhoun*, Thomas E. Irby, A. G. Mabry.  
 1859—*James M. Calhoun*, A. G. Mabry, Thomas E. Irby.  
 1861—*James M. Calhoun*, A. G. Mabry, W. M. Smith.  
 1863—E. Bell, N. H. R. Dawson.  
 1865—James T. Reese, A. G. Mabry.  
 1868—*D. E. Coon*, W. A. Brantly, Joseph Drawn, Spencer Weaver, A. Emmons, John Hardy.  
 1870—George F. Marlowe, Jr., Jere Haralson,\* R. Johnson,\* H. Cochran, Edward Gee.\*

## XXIV. DE KALB COUNTY.

- 1837—Solomon C. Smith. 1838—Solomon C. Smith.  
 1839—*Solomon C. Smith*, Andrew Wilson, W. T. Mooney.  
 1840—*Solomon C. Smith*, William O. Winston, A. Wilson.  
 1841—William O. Winston, Thomas J. Rodgers.  
 1842—William O. Winston, John M. Langford.  
 1843—William O. Winston, John M. Langford.  
 1844—*Solomon C. Smith*, W. O. Winston, B. R. Webb.  
 1845—*Solomon C. Smith*, Robert Murphy, Notley M. Warren.  
 1847—Robert Murphy, Notley M. Warren.  
 1849—Madison Hendricks, Robert Murphy.  
 1851—Alexander W. Majors, Notley M. Warren.  
 1853—*James Lamar*, M. C. Newman, Robert Murphy.  
 1855—*James Lamar*, William O. Winston, Thomas J. Burgess.  
 1857—Robert W. Higgins, Alexander W. Majors.  
 1859—*Robert W. Higgins*, Thomas J. Burgess, S. Cowan.  
 1861—*Robert W. Higgins*, L. W. Lynch, G. W. Malone.  
 1863—Jeptha Edwards, G. W. Malone.  
 1865—*William O. Winston*, G. W. Malone, N. M. Warren.  
 1868—G. W. Malone. 1870—John B. Appleton.

## XXV. ELMORE COUNTY.

- 1868—*J. A. Farden*, William V. Turner. 1870—B. F. Benson.

## XXVI. ESCAMBIA COUNTY.

(Not Represented.)

## XXVII. ETOWAH COUNTY.

(Not Represented.)

## XXVIII. FAYETTE COUNTY.

- 1827—*Jesse Vanhoose*. 1828—Samuel Parker. 1829—John Shipp.  
 1830—James K. McCollum. 1831—James K. McCollum.  
 1832—Caswell C. Thompson. 1833—William S. Taylor.  
 1834—William S. Taylor, Caswell C. Thompson.  
 1835—William S. Taylor, Burr W. Wilson.  
 1836—William S. Taylor, C. Boyd.

- 1837—*Burr W. Wilson*, W. S. Taylor, Lawrence Brasher.  
 1838—*Burr W. Wilson*, W. S. Taylor, R. J. Morrow.  
 1839—*Burr W. Wilson*, W. S. Taylor, Wilson Cobb.  
 1840—*Burr W. Wilson*, W. Cobb, Elijah Marchbanks.  
 1841—*Burr W. Wilson*, W. S. Taylor, E. Marchbanks.  
 1842—*Burr W. Wilson*, James M. Morris, Allen Harris.  
 1843—*Elijah Marchbanks*, J. M. Morris, Allen Harris.  
 1844—*Elijah Marchbanks*, Alvis Davis, W. W. Bell.  
 1845—*Elijah Marchbanks*, Alvis Davis, Elzer Williams.  
 1847—*Daniel Coggin*, Alvis Davis, John R. Kirkland.  
 1849—*Daniel Coggin*, A. J. Coleman, J. K. McCollum.  
 1851—*Elliott P. Jones*, A. J. Coleman, J. K. McCollum.  
 1853—*Elliott P. Jones*, E. W. Lawrence, A. R. Reynolds.  
 1855—*Elliott P. Jones*, Thomas P. McConnell, J. R. Kirkland.  
 1857—*Elliott P. Jones*, A. J. Coleman, James Brock.  
 1859—*Elliott P. Jones*, Jephtha Seay, A. J. Coleman.  
 1861—*A. J. Coleman*, Alexander Cobb, J. Middleton.  
 1863—*A. J. Coleman*, Alexander Cobb, J. Seay.  
 1865—*Elliott P. Jones*, Thomas Mabry, Alex. Cobb.  
 1868—*J. F. Morton* ———. 1870—William H. Kennedy.

## XXIX. FRANKLIN COUNTY.

- 1819—*William Metcalf*, Thomas Sargent, Anthony Winston.  
 1820—*William Metcalf*, John Duke, Temple Sargent.  
 1821—*William Lucas*, William W. Parham, Theophilus Skinner.  
 1822—*William Lucas*, Anthony Winston, T. Skinner.  
 1823—*William Metcalf*, Temple Sargent, T. Skinner.  
 1824—*William Metcalf*, T. Skinner, William W. Parham.  
 1825—*Theophilus Skinner*, Peter Martin, James Davis.  
 1826—*Theophilus Skinner*, W. W. Parham, James Davis.  
 1827—*Theophilus Skinner*, John L. McRae, T. Sargent.  
 1828—*Quin Morton*, Benjamin W. Hudson, John Lewis.  
 1829—*Quin Morton*, B. W. Hudson, Albert C. Horton.  
 1830—*Quin Morton*, B. W. Hudson, Albert C. Horton.  
 1831—*Quin Morton*, J. L. McRae, William W. Payne.  
 1832—*Quin Morton*, Benjamin W. Hudson, ———.  
 1833—*Quin Morton*, J. L. McRae, B. W. Hudson.  
 1834—*Quin Morton*, T. Sargent, Gregory D. Stone.  
 1835—*Benjamin W. Hudson*, John A. Nooe, T. Skinner.  
 1836—*Benjamin W. Hudson*, T. Skinner, Robert A. Baker.  
 1837—*Benjamin W. Hudson*, R. A. Baker, T. Skinner.  
 1838—*Benjamin W. Hudson*, R. A. Baker, James T. Cook.  
 1839—*Benjamin W. Hudson*, R. A. Baker, B. Reynolds, J. T. Richeson.  
 1840—*Benjamin W. Hudson*, R. A. Baker, B. Reynolds, E. McCollough.  
 1841—*Benjamin W. Hudson*, F. G. Norman, B. Reynolds, B. R. Garland.  
 1842—*Benjamin W. Hudson*, F. G. Norman, B. R. Garland, J. T. Richeson.  
 1843—*Benjamin W. Hudson*, F. G. Norman, H. C. Jones, Lemuel Cook.  
 1844—*Benjamin W. Hudson*, F. G. Norman, H. C. Jones, F. C. Vinson.  
 1845—*Benjamin W. Hudson*, F. G. Norman, Wesley M. Smith, B. R. Garland.  
 1847—*Bonaparte R. Garland*, F. G. Norman, J. Richeson, R. H. Ricks.  
 1849—*Bonaparte R. Garland*, S. Corsbee, F. Thom, R. S. Watkins.  
 1851—*Richard H. Ricks*, Wesley M. Smith, R. S. Watkins, W. H. Petty.  
 1853—*Henry C. Jones*, R. S. Watkins, R. B. Lindsay, C. A. Carroll.  
 1855—*Henry C. Jones*, L. B. Mouton, W. M. Smith, Thomas Thom.  
 1857—*Robert B. Lindsay*, R. E. Bell, W. M. Jackson.  
 1859—*William M. Jackson*, William P. Jack, William C. Oates.  
 1861—*William M. Jackson*, A. A. Hughes, O. O. Nelson.  
 1863—*William M. Jackson*, A. W. Ligon, A. Orr.  
 1865—*Robert B. Lindsay*, F. L. B. Goodwin, Thomas Thom.

1868—*D. V. Sevier*, H. C. Tompkins.

1870—*D. V. Sevier*, W. W. Weatherford, John A. Steele.

## XXX. GENEVA COUNTY.

(Not Represented.)

## XXXI. GREENE COUNTY.

1822—Hiram Shortridge, Zach Merriwether.

1823—Zachariah Merriwether, Julius H. Sims.

1824—Zachariah Merriwether, Ezekiel Pickens.

1825—Zachariah Merriwether, J. H. Sims, J. C. Neill, R. H. Nance.

1826—Zachariah Merriwether, J. H. Neill, M. F. Rainey.

1827—Zachariah Merriwether, M. F. Rainey, D. B. Richardson, Edward B. Colgin.

1828—Zachariah Merriwether, E. B. Colgin, D. B. Richardson, J. B. Gage.

1829—Zachariah Merriwether, John Gayle, George Hays, D. B. Richardson.

1830—Zachariah Merriwether, John Gayle, T. Riddle, Thomas Chiles.

1831—John Erwin, Walter N. Moffett, T. Riddle, James Snedcor.

1832—John Erwin, Daniel M. Witherspoon, W. N. Moffett, W. F. Fortson.

1833—John Erwin, Albert C. Horton, William F. Fortson.

1834—John Erwin, A. C. Horton, Patrick May, D. B. Richardson.

1835—Thomas Riddle, John J. Winston, James Gage, John May.

1836—Thomas Riddle, John May, John Erwin.

1837—Thomas Riddle, John Erwin, Sol. McAlpine, D. P. Bestor.

1838—Thomas Riddle, John M. Bates, S. McAlpine, Elisha Young.

1839—Thomas Riddle, John M. Bates, S. McAlpine, Elisha Young.

1840—Harry I. Thornton, William M. Murphy, S. McAlpine, Elisha Young.

1841—Harry I. Thornton, James Chiles, S. McAlpine, Elisha Young.

1842—Harry I. Thornton, William G. Jones, John Erwin, J. M. Witherspoon.

1843—Solomon McAlpine, J. D. Webb, S. F. Hale, J. M. Witherspoon.

1844—Solomon McAlpine, Isaac Croom, G. G. Perrine, P. W. Kittrell.

1845—Solomon McAlpine, Pleasant W. Kittrell, Joseph W. Taylor.

1847—Zachariah Merriwether, P. W. Kittrell, Joseph W. Taylor.

1849—William M. Murphy, A. R. Davis, Alex. R. Gates.

1851—George G. Perrine, James D. Webb, Allen C. Jones.

1853—James D. Webb, Richard F. Inge, Augustus Benners.

1855—Joseph W. Taylor, J. N. Carpenter, William H. Fowler.

1857—Allen C. Jones, Stephen F. Hale, R. D. Huckabee.

1859—Allen C. Jones, Stephen F. Hale, R. D. Huckabee.

1861—Augustus Benners, Wiley Coleman.

1863—Augustus Benners, Wiley Coleman.

1865—C. C. Huckabee, Robert B. Waller, John G. Pierce.

1868—A. M. McIntosh, Benjamin Alexander, J. W. Coleman.

1870—A. M. McIntosh, Israel G. Smith, James M. Bullock.

## XXXII. HALE COUNTY.

1868—B. Johnston, J. K. Green, J. M. Walker.

1870—B. Johnston, George M. Duskin, James K. Green.\*

## XXXIII. HENRY COUNTY.

1822—Benjamin Harvey. 1823—Benjamin Harvey.

1824—William C. Watson.

1825—William Irwin, William C. Watson.

1826—William Irwin, Bartlett Smith.

1827—William Irwin, James Ward.

1828—William Irwin, James Ward.

1829—William Irwin, James Ward.

1830—William Irwin, James Ward.

- 1831—*William Irwin*, James Ward.  
 1832—*William Irwin*, James Ward.  
 1833—*William Irwin*, Abner Hill, James Ward.  
 1835—*William Irwin*, George W. Williams, James Ward.  
 1836—*William Irwin*, James Ward, Alexander C. Gordon.  
 1837—*Richard C. Spann*, George W. Williams, A. C. Gordon.  
 1838—*James Ward*, James Murphy, Alex. C. McAllister.  
 1839—*James Ward*, James Murphy, Alex. C. McAllister.  
 1840—*Angus McAllister*, Alex. Blackshear, James Pynes.  
 1841—*Angus McAllister*, A. J. McAllister, Bartlett Smith.  
 1842—*Angus McAllister*, James Pynes, William Gamble.  
 1843—*James Ward*, George W. Williams, R. McGriff.  
 1844—*James Ward*, Moses W. Spaight, William Gamble.  
 1845—*James Ward*, George W. Williams, Richard McGriff.  
 1847—*Angus McAllister*, George W. Williams, James Pynes.  
 1849—*Elisha Matthews*, J. M. Perryman, James J. Sowell.  
 1851—*Elisha Matthews*, Geo. W. Williams, A. J. McAllister.  
 1853—*James Searcy*, Aaron Odom, J. L. Hays.  
 1855—*James Searcy*, Aaron Odom, James Pynes.  
 1857—*James Searcy*, James Pynes, James Murphy.  
 1859—*William Wood*, B. C. Flake, P. M. Thomas.  
 1861—*William Wood*, L. Parish, C. J. Reynolds.  
 1863—*William Wood*, Geo. W. Williams, L. Parish.  
 1865—*William Wood*, Aaron Odom, George W. Culver.  
 1868—E. E. Tiller. 1870—William C. Oates.

## XXXIV. JACKSON COUNTY.

- 1820—*William D. Gaines*, ——  
 1821—*William D. Gaines*, William Barclay, George W. Hopkins, Booker Smith.  
 1822—*William D. Gaines*, Alex. Dulaney, William Barclay, Thomas Bailey.  
 1823—*Robert McCamey*, W. Barclay, Daniel Peyton.  
 1824—*Robert McCamey*, Daniel Peyton, W. D. Gaines, S. Moore.  
 1825—*Robert McCamey*, D. Peyton, J. Baxter, C. H. Lewis, P. H. Ambrister.  
 1826—*Robert McCamey*, Samuel B. Moore, William Barclay, William A. Davis, Philip H. Ambrister.  
 1827—*Robert McCamey*, Samuel B. Moore, William A. Davis, James Russell, Daniel Price.  
 1828—*Robert McCamey*, James Russell, Philip H. Ambrister, Jones Smith, Starnes S. Wellborn.  
 1829—*Samuel B. Moore*, James Smith, William Barclay, James Raulston, James Russell.  
 1830—*Samuel B. Moore*, John B. Stephens, William Barclay, Daniel Price, John Gilbreath.  
 1831—*William Barclay*, Henry Norwood, Ewen Swink, John Gilbreath, John B. Stephens.  
 1832—*William Barclay*, Caleb B. Hudson, John Lusk, Benjamin C. Goodrich, Henry Norwood.  
 1833—*William Barclay*, Edwin H. Webster, Samuel McDavid, Henry Norwood, Philip H. Ambrister.  
 1834—*William Barclay*, Wyatt Coffee, Benjamin Snodgrass, James M. Young, John Gilbreath.  
 1835—*William Barclay*, John Berry, William M. King, Robert Jones, Philip H. Ambrister.  
 1836—*William Barclay*, Robert T. Scott, Washington T. May, Stephen Carter, Joseph P. Frazier.  
 1837—*Joseph P. Frazier*, C. M. Cross, T. Wilson, R. T. Scott.  
 1838—*Joseph P. Frazier*,—James Williams, Thomas Wilson, William Mason, Field A. Hancock.  
 1839—*Joseph P. Frazier*, James Williams, Thomas Wilson, Robert T. Scott, Field A. Hancock.

- 1840—*Thomas Wilson*, E. W. Williams, Joshua Wann, George R. Griffin, James Smith.
- 1841—*Thomas Wilson*, William L. Griffin, James Smith, Philip H. Ambrister, William M. King.
- 1842—*Thomas Wilson*, Alva Finley, E. W. Williams, James Munday, Robert T. Scott.
- 1843—*Thomas Wilson*, Field A. Hancock, Benjamin Franks, Joseph P. Frazier, James Williams.
- 1844—*Thomas Wilson*, Robert T. Scott, James Williams, Moses Maples, Williamson R. W. Cobb.
- 1845—*Thomas Wilson*, Charles F. Williams, James Williams, Williamson R. W. Cobb.
- 1847—*Joseph P. Frazier*, R. T. Scott, James Williams, Field A. Hancock.
- 1849—*Joseph P. Frazier*, James C. Austin, Benjamin Franks, Thomas Wilson.
- 1851—*Joseph P. Frazier*, Thomas Wilson, Joshua Stephens, James C. Austin.
- 1853—*Joseph P. Frazier*, Robert T. Scott, Hugh C. Cowan, James M. Green.
- 1855—*Thomas Wilson*, William R. Larkin, Field A. Hancock, Moses Maples.
- 1857—*William A. Austin*, J. B. Talley, J. S. Eutis, J. M. Cloud.
- 1859—*William A. Austin*, P. G. Griffin, Jonathan Latham, J. M. Hudgins.
- 1861—*Francisco Rice*, T. T. Colman, J. B. Talley, Jonathan Latham.
- 1863—*Francisco Rice*, P. Brown, J. W. Young, W. H. Robinson.
- 1865—*J. H. Norwood*, W. J. Padgett, H. J. Smith, J. Williams.
- 1868—*C. V. Whiting*, J. W. Daniels, W. F. Hurt.
- 1870—*C. V. Whiting*, W. F. Hurt, J. H. Cowan.

## XXXV. JEFFERSON COUNTY.

- 1822—Isaac Brown, Thomas W. Farrar,
- 1823—*John Wood*, John Brown, Isham Harrison.
- 1824—*John Wood*, Thomas W. Farrar, Benjamin Worthington.
- 1825—*John Brown*, John Brown, Walker K. Baylor, John M. Dupey.
- 1826—*John Brown*, J. Brown, J. M. Dupey, John Martin.
- 1827—*John Brown*, William R. Pauding, J. Brown, John F. Forrest.
- 1828—*John Wood*, John Brown, John M. Dupey.
- 1829—*John Wood*, John Brown, John F. Forrest.
- 1830—*John M. Dupey*, John Brown, Peyton King.
- 1831—*John M. Dupey*, Emery Loyd, Harrison W. Goyne.
- 1832—*John M. Dupey*, H. M. Carithers, Samuel S. Earle.
- 1833—*John Brown*, John Brown (red), H. M. Carithers.
- 1834—*John Brown*, John Cantley, William A. Scott.
- 1835—*John Brown*, John Cantley, Lemuel G. McMillon.
- 1836—*Harrison W. Goyne*, L. G. McMillon, Moses Kelly, Jr.
- 1837—*Harrison W. Goyne*, Octavius Spencer, Benjamin Tarrant.
- 1838—Samuel S. Earle, Lemuel G. McMillon.
- 1839—Samuel S. Earle, Lemuel G. McMillon.
- 1840—Lemuel G. McMillon, Jeremiah Randolph.
- 1841—*Walker K. Baylor*, L. G. McMillon, J. Randolph.
- 1842—*Walker K. Baylor*, S. S. Earle, L. G. McMillon.
- 1843—*Moses Kelly*, William S. Mudd, L. G. McMillon.
- 1844—William S. Mudd, Octavius Spencer.
- 1845—Jeremiah Randolph, Christopher Deavees.
- 1847—*Moses Kelly*, William S. Mudd, L. G. McMillon.
- 1849—*Moses Kelly*, John Camp, Hugh Copeland.
- 1851—*Moses Kelly*, William S. Ernest, S. A. Tarrant.
- 1853—*Moses Kelly*, John Camp.
- 1855—John Camp. 1857—O. S. Smith.
- 1859—Alberto Martin. 1861—Alberto Martin.
- 1863—*M. T. Porter*, John C. Morrow.
- 1865—*G. T. Deason*, John Oliver.
- 1868—*John Oliver*, Thomas Sanford.
- 1870—*John Oliver*, G. W. Hewitt.

## XXXVI. LAUDERDALE COUNTY.

- 1819—*Joseph Farmer*, Thomas Garrand, Jacob Hyler.  
 1820—*Joseph Farmer*, Hugh McVay, Jonathan Bailey.  
 1821—*Hugh McVay*, George Masterson, John Craig.  
 1822—*Hugh McVay*, James Jackson, Francis Durrett.  
 1823—*Hugh McVay*, James Jackson, Caleb S. Manly.  
 1824—*Hugh McVay*, Jacob Byler, John P. Cunningham.  
 1825—*James Jackson*, Jonathan Bailey, William B. Martin, G. Coalter.  
 1826—*James Jackson*, Hugh McVay, Samuel Craig, Henry Smith.  
 1827—*James Jackson*, Francis Durrett, H. McVay, S. Craig.  
 1828—*Hugh McVay*, William George, F. Durrett, Joseph L. D. Smith.  
 1829—*Hugh McVay*, F. Durrett, S. Craig, John Pope.  
 1830—*James Jackson*, H. McVay, W. George, J. P. Cunningham.  
 1831—*James Jackson*, H. McVay, John McKinley, S. Craig.  
 1832—*Hugh McVay*, Samuel Young, C. Carmack, Geo. S. Houston.  
 1833—*Hugh McVay*, C. Carmack, James Jackson, Samuel Harkins.  
 1834—*Hugh McVay*, John B. Womack, Samuel Young, Cornelius Carmack,  
 James Jackson.  
 1835—*Hugh McVay*, Sidney C. Posey, Lewis Garner, E. Sheffield.  
 1836—*Hugh McVay*,† Cornelius Carmack, Sidney C. Posey, Robert M. Patton.  
 1837—*Sidney C. Posey*, George Simmons, E. Sheffield, C. Carmack, James M.  
 Boston.  
 1838—*Hugh McVay*, Jonathan Douglass, Samuel R. Garner, C. Carmack, James  
 M. Boston.  
 1839—*Hugh McVay*, Henry D. Smith, J. Douglass, Andrew O. Horn.  
 1840—*Hugh McVay*, J. Douglass, H. D. Smith, James R. Alexander.  
 1841—*Hugh McVay*, John S. Kennedy, H. D. Smith, J. R. Alexander.  
 1842—*Hugh McVay*, Jonathan Douglass, John S. Kennedy, H. D. Smith.  
 1843—*Hugh McVay*, J. R. Alexander, B. B. Barker, J. Douglass.  
 1844—*Sidney C. Posey*, W. Baugh, J. R. Alexander, H. D. Smith.  
 1845—*Sidney C. Posey*, John C. F. Wilson, Baylor B. Barker, E. G. Young.  
 1847—*John C. F. Wilson*, John E. Moore, J. S. Kennedy, Leroy P. Walker.  
 1849—*John C. F. F. Wilson*, James Hough, R. M. Patton, L. P. Walker.  
 1851—*Robert M. Patton*, Vincent P. Benham, R. D. Walker, O. H. Oates.  
 1853—*Robert M. Patton*, H. D. Smith, L. P. Walker, William Rhodes.  
 1855—*Robert M. Patton*, Richard W. Walker, Henry D. Smith.  
 1857—*Robert M. Patton*, Henry D. Smith, S. A. M. Wool.  
 1859—*Robert M. Patton*, Henry D. Smith, S. D. Hermon.  
 1861—*Robert M. Patton*, J. H. Witherspoon, S. C. Posey.  
 1863—*Sames W. Stewart*, T. L. Chisolm, E. Mc Alexander.  
 1865—*James Jackson*, E. Mc Alexander, B. E. Borland.  
 1868—W. R. Chisolm. 1870—B. F. Taylor.

## XXXVII. LAWRENCE COUNTY.

- 1819—*Fleming Hodges*, Lewis Dillahunty, Samuel Bigham.  
 1820—*Fleming Hodges*, Samuel Bigham, Matthew Clay.  
 1821—*Fleming Hodges*, Matthew Clay, Hugh A. Anderson.  
 1822—*Arthur F. Hopkins*, Matthew Clay, Joseph Young, Green K. Hubbard.  
 1823—*Arthur F. Hopkins*, Benjamin B. Jones, Joseph Young, Zadock McVay.  
 1824—*Arthur F. Hopkins*, Joseph McCord, John White, Zadock McVay.  
 1825—*Matthew Clay*, Thomas Coopwood, Joseph Coe, Zadock McVay.  
 1826—*Matthew Clay*, Thomas Coopwood, Joseph Coe, Zadock McVay.  
 1827—*David Hubbard*, Ellyson A. Daniel, Zadock McVay, T. Coopwood.  
 1828—*David Hubbard*, William Hodges, David Wallace, Thomas Coopwood  
 1829—*David Hubbard*, Thomas Coopwood, David G. Ligon, William Hodges.  
 1830—*David Hubbard*, Harvey Dillahunty, Thomas Coopwood.  
 1831—*Thomas Coopwood*, A. Campbell, D. Hubbard, John T. Abernathy.  
 1832—*Thomas Coopwood*, D. Hubbard, John J. Ormond, John Stewart.

†In 1837, Mr. McVay, as President of the Senate, acted as Governor, *ex-officio*, on the resignation of Gov. Clay, to accept a seat in the Senate of the United States.

- 1833—*James B. Wallace*, John H. Lawson, J. J. Ormond, J. Stewart.  
 1834—*James B. Wallace*, Isaac N. Owens, James Wallis, James McCord, Hugh M. Rodgers.  
 1835—*James B. Wallace*, Hugh M. Rodgers, Hugh M. Stephenson, J. H. Lawson, William Reneau.  
 1836—*James B. Wallace*, William Reneau, M. Priest, John T. A'c nathy, Richard Puckett.  
 1837—*James B. Wallace*, Hugh M. Rodgers, Hugh M. Stephenson, Richard Puckett, M. Priest.  
 1838—*Hugh M. Rodgers*, Benjamin Priest, Samuel Henderson, Tandy W. Walker, Manoah B. Hampton.  
 1839—*Hugh M. Rodgers*, Hodge L. Stephenson, Tandy W. Walker, Oakley P. Bynum.  
 1840—*Hugh M. Rodgers*, Hartwell King, Tandy W. Walker, James E. Saunders.  
 1841—*Hugh M. Rodgers*, Charles Barker, Tandy W. Walker, Denton H. Valiant.  
 1842—*Hugh M. Rodgers*, David Hubbard, Tandy W. Walker, Denton H. Valiant.  
 1843—*Tandy W. Walker*, A. Campbell, Leroy Pope Walker, David Hubbard  
 1844—*Tandy W. Walker*, C. C. Gewin, L. P. Walker, F. H. Jones.  
 1845—*Tandy W. Walker*, David Hubbard, Thomas M. Peters.  
 1847—*Thomas M. Peters*, Joseph G. Evetts, Hodge L. Stephenson.  
 1849—*Hodge L. Stephenson*, Oakley H. Bynum, Richard O. Pickett.  
 1851—*Hodge L. Stephenson*, William Graham, James Armstrong.  
 1853—David Hubbard, Richard O. Pickett.  
 1855—Frank W. Sykes, N. M. Galloway.  
 1857—*Oakley H. Bynum*, James S. Clarke, Henry A. McGee.  
 1859—*Oakley H. Bynum*, William C. Sherrod, David Hubbard.  
 1861—Frank W. Sykes, Richard O. Pickett.  
 1863—James S. Clarke, Frank W. Sykes.  
 1865—*Frank W. Sykes*, A. E. Ashford, John M. Clarke.  
 1868—E. F. Jennings, Thomas Masterson.  
 1870—J. B. Speake, P. P. Gilchrist.

## XXXVIII. LEE COUNTY.

- 1868—*J. L. Pennington*, S. B. Blandon, Coke Tucker.  
 1870—Sheldon Toomer, J. M. Simms.

## XXXIX. LIMESTONE COUNTY.

- 1819—*Thomas Bibb*, Nicholas Davis, James W. Exum, William Whitaker.  
 1820—*Nicholas Davis*, Quin Morton, John S. Doxey, William Edmondson.  
 1821—*Nicholas Davis*, Quin Morton, William Edmondson, Benjamin Murrell.  
 1822—*Nicholas Davis*, William Edmondson, Joshua L. Martin, Woodson Montgomery, Quin Morton.  
 1823—*Nicholas Davis*, William Whitaker, Joshua L. Martin, John W. Smith, Joseph Powell.  
 1824—*Nicholas Davis*, William Edmondson, James W. Exum, Quin Morton, Joshua L. Martin.  
 1825—*Nicholas Davis*, William Edmondson, Joshua L. Martin, Waddy Tate, Quin Morton.  
 1826—*Nicholas Davis*, Joseph Bell, James W. Exum, William Edmondson, Joseph Powell.  
 1827—*Nicholas Davis*, W. A. Robertson, Joseph Bell, Joshua L. Martin, William Edmondson.  
 1828—*Nicholas Davis*, William Saunders, William Edmondson, Thomas Bibb.  
 1829—*William Edmondson*, Thomas Bibb, George W. Lane, Daniel Coleman.  
 1830—*William Edmondson*, William Saunders, George W. Lane, William Richardson.  
 1831—*William Edmondson*, William Saunders, Joseph Johnston, George W. Lane.  
 1832—*William Edmondson*, Richard B. Brickell, William Richardson, William Mason.  
 1833—*George W. Lane*, William Saunders, Richard B. Brickell, Archibald Harris.  
 1834—*George W. Lane*, William Saunders, Waddy Tait, John H. I. Winn.

- 1835—George W. Lane, John H. I. Winn, Joshua P. Coman, Joseph Johnston.  
 1836—Nathaniel Terry, F. B. Nelson, John H. I. Winn, Asa Allen.  
 1837—Nathaniel Terry, Robert High, Joshua P. Coman, F. B. Nelson.  
 1838—Nathaniel Terry, Robert A. High, John H. I. Winn, Archibald E. Mills.  
 1839—Nathaniel Terry, Elbert H. English, Robert A. High.  
 1840—Nathaniel Terry, John H. I. Winn, Nathaniel Davis.  
 1841—Nathaniel Terry, John H. I. Winn, Nathaniel Davis.  
 1842—Nathaniel Terry, Elbert H. English, Waddy Tate.  
 1843—Nathaniel Terry, Waddy Tate, Nathaniel Davis.  
 1844—Nathaniel Terry, Nathaniel Davis, Egbert J. Jones.  
 1845—Egbert J. Jones, Milton Walker.  
 1847—Nathaniel Davis, John H. I. Winn, Frederick Tate.  
 1849—Nathaniel Davis, L. R. Davis.  
 1851—John N. Malone, Nathaniel Davis, Nicholas Davis, Jr.  
 1853—John N. Malone, W. R. Hanserd, W. B. Allen.  
 1855—John N. Malone, Luke Pryor, Thomas H. Hobbs.  
 1857—Thomas H. Hobbs, William Reedus.  
 1859—Thomas H. Hobbs, L. R. Davis.  
 1861—Joshua P. Coman, P. J. McClellan, J. Shelton.  
 1863—Joshua P. Coman, J. B. McClellan, J. W. D. Donnell.  
 1865—William Richardson, Charles W. Raisler.  
 1868—Benjamin Lentz, P. E. Harris. 1870—Charles W. Raisler.

## XL. LOWNDES COUNTY.

- 1830—John Rugely. 1831—John Rugely. 1832—John Rugely.  
 1834—Thomas B. Scott, J. L. F. Cottrell, John W. Mundy, John M. Salley.  
 1835—Lorenzo James, George W. Esselman, Thomas G. Davenport, W. Drane.  
 1836—Lorenzo James, Alfred Harrison, J. L. F. Cottrell, R. P. McCord.  
 1837—John A. Eimore, J. L. F. Cottrell, R. P. McCord, John P. Cook.  
 1838—J. L. F. Cottrell, John A. Tarver, George W. Esselman, John P. Cook.  
 1839—J. L. F. Cottrell, Nathaniel Cook, William Swanson.  
 1840—S. L. F. Cottrell, John S. Hunter, Robert B. Campbell.  
 1841—John S. Hunter, Peyton S. Alexander, J. W. Mundy.  
 1842—John S. Hunter, Alfred Harrison, James W. Dunklin.  
 1843—James Burney, Walter Drane, John P. Nall.  
 1844—Archibald Gilchrist, Edward H. Cook, Thomas J. Judge.  
 1845—Archibald Gilchrist, Edward H. Cook, Thomas J. Judge.  
 1847—Thomas J. Judge, Alexander B. Forney, James G. Gilchrist, H. C. Swanson.  
 1851—J. M. Gonder, James S. Williamson.  
 1853—F. C. Webb, Walter Cook.  
 1855—F. C. Webb, William Barry, S. D. Mooror.  
 1857—James S. Williamson, Duncan McCall.  
 1859—Nathan L. Brooks, James G. Gilchrist.  
 1861—Edmund Harrison, Nathan L. Brooks, H. C. McCall.  
 1863—Edmund Harrison, Peyton T. Graves, W. S. May.  
 1865—George S. Cox, Nathaniel L. Brooks.  
 1868—M. M. Buckley, T. W. Armstrong, N. Brewington, John Ninninger.  
 1870—M. M. Buckley, J. Ninninger, William Gaskin,\* Mansfield Tyler.\*

## XLI. MACON COUNTY.

- 1837—Joseph P. Clough. 1838—Nathaniel H. Clanton.  
 1839—Rene Fitzpatrick. 1840—R. Fitzpatrick.  
 1841—Nathaniel J. Scott. 1842—Whiting Oliver.  
 1843—Robert Dougherty, Whiting Oliver.  
 1844—Robert Dougherty, Nathaniel J. Scott.  
 1845—Nathaniel J. Scott, Joseph V. Bates, Milton J. Tarver.  
 1847—Nathaniel J. Scott, Howell Peebles, Philip H. Raiford.  
 1849—George W. Gunn, Robert F. Ligon, B. W. Walker.  
 1851—George W. Gunn, John Smith, Seaborn Williams.  
 1853—Nathaniel H. Clanton, Charles A. Abercrombie, Thacker V. Rutherford.

- 1855—*George W. Gunn*, James W. Echols, J. H. Cunningham, Sidney B. Payne.  
 1857—*George W. Carter*, James W. Echols, B. F. Thompson, Thomas F. Flournoy.  
 1859—*William P. Chilton*, Thomas S. Tait, Charles J. Bryan, William R. Cunningham.  
 1861—*Robert F. Ligon*, Wylie W. Mason, J. C. Judkins, B. Thomson.  
 1863—*Robert F. Ligon*, J. C. Heard, Augustus B. Fannin, Charles J. Bryan.  
 1865—*Richard H. Powell*, James W. Echols, Alexander Frazier, John C. Judkins.  
 1868—*W. W. Glass*, William Alley, J. H. Alston.  
 1870—*W. W. Glass*, William Alley, Henry St. Clair.\*

## XLII. MADISON COUNTY.

- 1819—*Gabriel Moore*, Samuel Walker, Epps Moody, James G. Birney, Griffin Launkin, Samuel Chapman, John L. Towns, Frederick Weedon, Isaac Wellborn.  
 1820—*Gabriel Moore*, Frederick Weedon, Samuel Chapman, John McKinley, John Vining, John M. Leake, David Moore, Samuel Walker.  
 1821—*Isaac Lanier*, David Moore, John Vining, Frederick Weedon, John Martin, William Fleming, Henry King, John M. Leake.  
 1822—*David Moore*, William I. Adair, J. M. Leake, John Pope, Thomas Fearne, C. Hunt, William Saunders, James W. McClung.  
 1823—*David Moore*, William I. Adair, Thomas Miller, William Moore, John Vining, Henry King, Isaac Lanier, William Fleming.  
 1824—*David Moore*, James W. Camp, Samuel Walker, Anthony H. Metcalf, Thomas Miller, John Vining, Isaac Lanier, William Fleming.  
 1825—*Thomas Miller*, Harry I. Thornton, William Brandon, William Kelly, John Vining, Henry King.  
 1826—*Thomas Miller*, William Acklin, Jr., David Bradford, David Moore, James W. McClung.  
 1827—*Thomas Miller*, Nathan Smith, William Kelly, William Acklin, Jr., John Vining, William H. Moore.  
 1828—*John Vining*, James Penn, Thomas Fearne, William Brandon, Samuel Walker, Clement C. Clay.  
 1829—James Penn, William Acklin, Jr., Henry King, Thomas Fearne, David Moore.  
 1830—*John Vining*, Henry King, James Penn, David Moore, William Acklin, Jr.  
 1831—*John Vining*, James G. Carroll, W. Acklin, Jr., Samuel Peete, Henry King, James Penn.  
 1832—*John Vining*, John P. Graham, William Fleming, Henry King.  
 1833—*John Vining*, Samuel Walker, Arthur F. Hopkins, William Fleming, George T. Jones.  
 1834—*John Vining*, John D. Phelan, William Fleming, S. Walker, William H. Glascock.  
 1835—*John Vining*, W. Fleming, John D. Phelan, J. W. McClung, George T. Jones, Jabez Leftwich.  
 1836—*William Fleming*, Parham N. Booker, Rodah Horton, William Smith, J. Leftwich, David Moore.  
 1837—*William Fleming*, Rodah Horton, James W. McClung, William Smith, John Vining, P. N. Booker.  
 1838—*William Fleming*, J. W. McClung, William Smith, David Moore, Joseph Taylor, John Vining.  
 1839—*Daniel B. Turner*, David Moore, J. Vining, William Smith, Jeremiah Clemens.  
 1840—*Daniel B. Turner*, Thomas C. Province, S. Walker, David Moore, J. Clemens.  
 1841—*Daniel B. Turner*, Thomas Haughton, J. Clemens, D. Moore, George T. Jones.  
 1842—*William Fleming*, Clement C. Cley, Jr., James Robinson, David Moore, James W. McClung.  
 1843—*William Fleming*, Garrett L. Sandridge, D. Moore, J. Clemens, William J. Sykes.  
 1844—*William Fleming*, J. Clemens, William Brandon, J. W. McClung, C. C. Clay, Jr.

- 1845—*James W. McClung*, William G. Miller, Clement C. Clay, Jr., G. L. Sandridge.  
 1847—*James W. McClung*, William Fleming, Thomas H. Hurtell, Michael A. King.  
 1849—*William Fleming*, M. A. King, William Wright, D. C. Humphreys.  
 1851—*William Fleming*, H. C. Bradford, M. A. King, C. D. Cavanaugh.  
 1853—*William Acklin*, George W. Laughinghouse, David C. Humphreys.  
 1855—*William Acklin*, Reuben Chapman, J. T. Harben.  
 1857—*William Fleming*, Stephen W. Harris, S. S. Scott.  
 1859—*William Fleming*, Robert J. Lowe, S. S. Scott.  
 1861—*F. L. Hammond*, C. Butler, S. D. Cabaniss.  
 1863—*F. L. Hammond*, Joseph C. Bradley, J. W. Scruggs.  
 1865—*John N. Drake*, J. W. Ledbetter, W. D. Humphrey.  
 1868—D. C. Humphreys, W. D. Humphrey, Justice Romayne.  
 1870—Francisco Rice, William M. Lowe, J. W. Grayson.

## XLIII. MARENGO COUNTY.

- 1820—John Coats. 1821—Nathaniel Norwood. 1822—Nathaniel Norwood.  
 1823—*John Coats*, William Fluker.  
 1824—*John Coats*, William Fluker.  
 1826—William Fluker. 1827—William Anderson.  
 1828—William Anderson. 1830—Charles D. Conner.  
 1831—John Lockhart. 1832—John Lockhart.  
 1833—*Francis S. Lyon*, John Rains.  
 1834—*Francis S. Lyon*, Benjamin G. Shields.  
 1835—*John Rains*, John M. Cooper.  
 1836—*John Rains*, William J. Alston, B. G. Shields.  
 1837—*John Rains*, B. G. Shields, William J. Alston.  
 1838—*John Rains*, B. G. Shields, William B. Moores.  
 1839—*William J. Alston*, Robert Clarke, W. B. Moores.  
 1840—*William J. Alston*, James M. Davenport, W. B. Moores.  
 1841—*William J. Alston*, J. M. Davenport, W. B. Moores.  
 1842—*William B. Moores*, Joseph Pickett, John W. Henley.  
 1843—*William B. Moores*, Decatur C. Anderson, W. J. Alston.  
 1844—*William B. Moores*, Washington M. Smith, S. J. Harris.  
 1845—J. B. Williams, Amos R. Manning.  
 1847—*Amos R. Manning*, Elisha Young, John J. Walton.  
 1849—*Amos R. Manning*, Memorable W. Creagh, Caleb Williams.  
 1851—Benjamin N. Glover, William M. Byrd.  
 1853—Frederick T. Foscue, M. W. Creagh.  
 1855—William J. Alston, Joel S. Jones.  
 1857—N. B. Leseur. 1859—N. B. Leseur.  
 1861—*William E. Clarke*, James R. Jones.  
 1863—*William E. Clarke*, W. B. Modewell.  
 1865—*William E. Clarke*, James R. Jones.  
 1868—*W. B. Jones*, Pierce Burton, E. R. Rose, John W. Dereen.  
 1870—Lewis C. Carlin, C. W. Dustan, Levi Wells.\*

## XLIV. MARION COUNTY.

- 1819—*John D. Terrell*, Silas McBee.  
 1820—*John D. Terrell*, James Moore.  
 1821—*John D. Terrell*, Lemuel Beene.  
 1822—John D. Terrell. 1823—James Moore.  
 1824—James Moore. 1825—George White.  
 1826—William H. Duke. 1827—William H. Duke.  
 1828—William H. Duke, James Metcalf.  
 1829—James Metcalf, De La F. Roysdon.  
 1830—James Metcalf, Thaddeus Walker.  
 1831—D. U. Hollis, Thaddeus Walker.  
 1832—Durrell U. Hollis, George Brown.

- 1834—Henry Borough, Durrell U. Hollis.  
 1835—Henry Borough, Hiram C. May.  
 1836—Henry Borough, Joshua Gann.  
 1837—Joshua Gann. 1838—D. U. Hollis.  
 1839—Thomas C. Moore. 1840—Thomas C. Moore.  
 1841—Joshua Burleson. 1842—Leroy Kennedy.  
 1843—John L. McCarty. 1844—Leroy Kennedy.  
 1845—Woodson Northcut. 1847—Thaddeus Walker.  
 1849—James A. Cody. 1851—Kimbrough T. Brown.  
 1853—William A. Musgrove. 1855—K. T. Brown.  
 1857—Kimbrough T. Brown, Levi Kennedy.  
 1859—Kimbrough T. Brown, W. A. Musgrove.  
 1861—M. L. Davis, J. W. Logan.  
 1863—M. L. Davis, D. U. Hollis.  
 1865—John H. Bankhead, Winston Steadham.  
 1868—J. P. Haley. 1870—Albert J. Hamilton.

## XLV. MARSHALL COUNTY.

- 1837—Middleton T. Johnson. 1838—Richard Goulding.  
 1839—William Barclay, William M. Griffin.  
 1840—William M. Griffin, James M. Adams.  
 1841—William M. Griffin, James Fletcher.  
 1842—William M. Griffin, James Fletcher.  
 1843—William M. Griffin, James Fletcher.  
 1844—James Fletcher, Edmund Hays.  
 1845—William M. Griffin, S. M. McElroy, J. Fletcher.  
 1847—Lewis Wyeth, James Critcher.  
 1849—James M. Adams, James Critcher.  
 1851—James M. Adams, James Critcher.  
 1853—James Fletcher, Frank Gllbreath.  
 1855—James L. Sheffield, James Critcher.  
 1857—S. K. Rayburn, James L. Sheffield, W. M. Griffin.  
 1859—B. S. Clapp, William M. Griffin.  
 1861—B. S. Clapp, William M. Griffin.  
 1863—James Critcher, A. Beard, John Sibley.  
 1865—James L. Sheffield, P. M. Bush.  
 1868—Isaac D. Sibley, S. F. Kinnemer.  
 1870—Isaac D. Sibley, R. K. Boyd.

## XLVI. MOBILE COUNTY.

- 1920—Francis W. Armstrong.  
 1821—John Elliott, Francis W. Armstrong.  
 1822—John Elliott, Thomas L. Hallett.  
 1823—Francis W. Armstrong, Thomas L. Hallett.  
 1824—Francis W. Armstrong, Willoughby Barton.  
 1825—Francis W. Armstrong, T. L. Hallett, W. Barton.  
 1826—Willoughby Barton, Elijah Montgomery, Jack F. Ross.  
 1827—Willoughby Barton, William D. Stone, Jack F. Ross.  
 1828—Willoughby Barton, Thomas H. Lane, William Towns.  
 1829—John B. Hogan, Joseph Bates, Jr., Thomas Byrnes.  
 1830—John B. Hogan, T. L. Toulmin, Isaac H. Erwin.  
 1832—John B. Hogan, Benjamin Brent Breedin, Henry Chamberlain.  
 1833—John B. Hogan, William R. Hallett, H. Chamberlain.  
 1834—John B. Hogan, John F. Everett, Samuel A. Roberts.  
 1835—James F. Roberts, J. F. Ross, George J. S. Walker.  
 1836—James F. Roberts, Joseph Bates, Jr.  
 1837—James F. Roberts, Joseph Bates, Jr., T. L. Toulmin.  
 1838—Theophilus L. Toulmin, Abner S. Lipscomb, Blanton McAlpin.  
 1839—Theophilus L. Toulmin, Isaac H. Erwin, Charles C. Langdon, William F. Cleveland, Percy Walker.

- 1840—*Theophilus L. Toulmin*, Adam C. Hollinger, Thomas M. C. Prince, Joseph Bates, Jr., C. C. Langdon.  
 1841—*Theophilus L. Toulmin*, Isaac H. Erwin, Robert C. McAlpin, John B. Hogan, Blanton McAlpin.  
 1842—*Theophilus L. Toulmin*, John A. Campbell, William D. Dunn, Isaac H. Erwin, Thomas W. McCoy.  
 1843—*Theophilus L. Toulmin*, William D. Dunn, Robert C. McAlpin, John B. Todd, James W. Lang.  
 1844—*Edward S. Dargan*, Philip Phillips, William D. Dunn, Daniel Chandler, Joseph Seawell.  
 1845—*Joseph Searcell*, Jeremiah Austill, William P. Browne, Joseph C. Smith.  
 1847—*George N. Stewart*, E. Lockwood, Percy Walker, Peter Hamilton.  
 1849—*George N. Stewart*, William G. Jones, E. Lockwood, C. W. Gazzan.  
 1851—*Theophilus L. Toulmin*, Philip Phillips, Price Williams, C. P. Robinson.  
 1853—*Tristram B. Bethea*, Alexander B. Meek, Percy Walker, R. B. Owen, Isaac Bell, Jr.  
 1855—*Tristram B. Bethea*, Charles C. Langdon, Jones M. Withers, W. B. H. Howard, W. M. Smith.  
 1857—*James S. Deas*, William G. Jones, H. Chamberlain, Henry F. Drummond, Thomas H. Herndon.  
 1859—*Theophilus L. Toulmin*, John Forsyth, A. B. Meek, Percy Walker, G. G. Overall.  
 1861—*Theophilus L. Toulmin*, C. C. Langdon, T. J. Riley, W. Boyles, S. Wolfe.  
 1863—*Theophilus L. Toulmin*, Jacob McGee, F. Moulton, John T. Taylor, Samuel Wolfe.  
 1865—*Charles P. Gage*, Francis B. Clarke, Alexander McKinstry, John Grant, John R. Tompkins.  
 1868—George T. Harrington, John Caraway, A. McKinstry, J. E. Quin, Adolph Proskauer.  
 1870—Henry T. Toulmin, Oliver J. Semmes, Nat Strauss, James McDormott, George H. Ellison.

## XLVII. MONROE COUNTY.

- 1819—*John Watkins*, James Dellet, William Bates, Paschal Harrison, George W. Owen.  
 1820—*John Watkins*, John Murphy, George W. Owen, James H. Draughon, Samuel Dale.  
 1821—*William Wingate*, James Dellet, Thomas Evans, John Carr, Samuel Dale.  
 1822—*John Murphy*, Arthur P. Bagby, John Gayle, Henry L. Reviere.  
 1823—*John Murphy*, John Gayle, Samuel Dale, William W. McConnico.  
 1824—*John Murphy*, Arthur P. Bagby, Samuel Dale, John W. Moore.  
 1825—*Arthur P. Bagby*, James Dellet, John W. Moore.  
 1826—*Arthur P. Bagby*, Samuel Dale, Pink A. Edwards.  
 1827—*Thomas Evans*, Thomas Wiggins, D. R. W. McRae.  
 1828—*Thomas Evans*, Enoch Parsons, Samuel Dale, Benjamin C. Foster.  
 1829—*John Watkins*, Enoch Parsons, Samuel Dale, John Morrisette.  
 1830—James Dellet, John Faulk, Nathan Coker.  
 1831—James Dellet, John Faulk, William S. Hayes.  
 1832—Benjamin F. Porter, Nathan Coker, John Morrisette.  
 1833—*Samuel Wilkinson*, John Morrisette, Benjamin F. Porter, Nathan Coker.  
 1834—*Samuel Wilkinson*, Arthur P. Bagby, Benjamin F. Porter.  
 1835—*Samuel Wilkinson*, Arthur P. Bagby, Stephen S. Address.  
 1836—*Neill Smith*, \_\_\_\_\_.  
 1837—*Neill Smith*, J. O. Rawls, Stephen S. Address.  
 1838—*Neill Smith*, Lorman Crawford, Stephen S. Address.  
 1839—*Stephen S. Address*, Lorman Crawford, Leroy A. Kidd.  
 1840—*Stephen S. Address*, Leroy A. Kidd, E. P. Broughton.  
 1841—*Stephen S. Address*, Leroy A. Kidd, E. P. Broughton.  
 1842—*John Watkins*, John Morrisette, William Cunningham.  
 1843—*John Watkins*, John Morrisette, William B. H. Howard.  
 1844—*John Watkins*, John Morrisette, William B. H. Howard.

- 1845—*John Morrisette*, Aaron B. Cooper.  
 1847—*John Morrisette*, Aaron B. Cooper.  
 1849—*John Morrisette*, E. L. Smith.  
 1851—*William P. Leslie*, Colin McCaskill.  
 1853—*William P. Leslie*, Noah A. Agee.  
 1855—*J. S. Jenkins*, S. G. Portis.  
 1857—*Noah A. Agee*, F. E. Richardson.  
 1859—*J. B. Cleaveland*, H. O. Abney.  
 1861—*F. H. Liddell*. 1863—*J. Cumming*. 1865—*W. W. McMillan*.  
 1868—*R. N. Barr*, Jabez J. Parker.  
 1870—*R. N. Barr*, J. M. Lindsay.

## XLVIII. MONTGOMERY COUNTY.

- 1819—*John Gause*, John Edmondson, Joseph Fitzpatrick, Larkin Cleveland.  
 1820—*John Gause*, Joseph Fitzpatrick, Larkin Cleveland, James Abercrombie.  
 1821—*John Gause*, Joseph Fitzpatrick, George Dabney, Peter Williamson.  
 1822—*John D. Bibb*, John Browning, James Abercrombie.  
 1823—*John D. Bibb*, William McLemore, John G. Ashley.  
 1824—*John D. Bibb*, James Abercrombie, Andrew Baxter.  
 1825—*James Abercrombie*, Nimrod E. Benson, William M. McLemore, John S. Bailey.  
 1826—*James Abercrombie*, Dixon H. Lewis, N. E. Benson, J. S. Bailey.  
 1827—*James Abercrombie*, Dixon H. Lewis, Elias Bonnell, William Y. Higgins.  
 1828—*James Abercrombie*, D. H. Lewis, James E. Belser, E. Bonnell.  
 1829—*James Abercrombie*, Henry Goldthwaite, Samuel C. Oliver, Mosely Baker.  
 1830—*James Abercrombie*, Samuel C. Oliver, Mosely Baker.  
 1831—*James Abercrombie*, Samuel C. Oliver, Mosely Baker.  
 1832—*James Abercrombie*, Samuel C. Oliver, Robert J. Ware.  
 1833—*James Abercrombie*, Robert J. Ware, Alfred V. Scott.  
 1834—*Benajah S. Bibb*, William B. S. Gilmer, S. C. Oliver, William McLemore.  
 1835—*Benajah S. Bibb*, William B. S. Gilmer, Samuel C. Oliver, John Martin.  
 1836—*Thomas S. Mays*, Alfred V. Scott, John A. Campbell, Samuel C. Oliver.  
 1837—*Thomas S. Mays*, Alfred V. Scott, Samuel C. Oliver, Merrill Ashurst.  
 1838—*Thomas S. Mays*, Henry W. Hilliard, George D. Shortridge.  
 1839—*Samuel C. Oliver*, Joseph J. Hutchinson, William O. Baldwin.  
 1840—*Samuel C. Oliver*, J. J. Hutchinson, M. Ashurst.  
 1841—*Samuel C. Oliver*, Robert J. Ware, J. J. Hutchinson.  
 1842—*Samuel C. Oliver*, Robert J. Ware, John Caffey.  
 1843—*Samuel C. Oliver*, Francis Bugbee, John Caffey.  
 1844—*Samuel C. Oliver*, Thomas Williams, Jr., R. C. Bunting.  
 1845—*Samuel C. Oliver*, Benajah S. Bibb, Michael Ellsbury, Clement C. Billingslea.  
 1847—*Samuel C. Oliver*, Benajah S. Bibb, Robert J. Ware, Charles G. Gunter.  
 1849—*Robert J. Ware*, Thomas H. Watts, William H. Reeves, Charles G. Gunter.  
 1851—*Benajah S. Bibb*, William B. Moss, Francis S. Jackson, Thomas Caffey.  
 1853—*Thomas H. Watts*, James E. Belser, Thomas J. Judge.  
 1855—*Adam C. Felder*, James E. Belser, James H. Clanton.  
 1857—*Adam C. Felder*, James R. Dillard, Charles H. Molton.  
 1859—*Adam C. Felder*, Samuel F. Rice, Mike L. Woods.  
 1861—*Samuel F. Rice*, Thomas M. Arrington, William H. Reeves.  
 1863—*Samuel F. Rice*, Tristram B. Bethea, William H. Ogbourne.  
 1865—*Adam C. Felder*, Tristram B. Bethea, H. M. Caffey.  
 1868—*J. P. Stowe*, W. C. Arthur, G. W. Cox, Paul Stroback, Holland Thompson,\*  
 L. J. Williams.\*  
 1870—*J. P. Stowe*, George A. Harmount, Paul Stroback, Holland Thompson,\*  
 H. H. Craig,\* L. J. Williams,\* ——— Knox.

## XLIX. MORGAN (ORIGINALLY CATACO) COUNTY.

- 1819—*Jesse W. Garth*, Micajah Vaughn, John McCorley.  
 1820—*Jesse W. Garth*, McKinney Holderness, John T. Rather.

- 1821—*Jesse W. Garth*, McKinney Holderness, Horatio Philpot.  
 1822—*Thomas D. Crabb*, John T. Rather, John Adams.  
 1823—*Thomas D. Crabb*, William S. Goodhue, Horatio Philpot.  
 1824—*Thomas D. Crabb*, John T. Rather, Robert Tapscott.  
 1825—*Thomas D. Crabb*, Milkijah Vaughn, Stephen Heard.  
 1826—*Thomas D. Crabb*, Henry W. Rhodes, S. Heard.  
 1827—*Thomas D. Crabb*, John T. Rather, M. Vaughn.  
 1828—*Jesse W. Garth*, Benajah S. Bibb, James T. Sykes, Thomas McElderry.  
 1829—*Jesse W. Garth*, Horatio Philpot, Thomas McElderry, John T. Rather.  
 1830—*Jesse W. Garth*, John T. Rather, Horatio Philpot, Daniel E. Hickman.  
 1831—*Thomas McElderry*, John T. Rather, Daniel E. Hickman, Horatio Philpot.  
 1832—*Reuben Chapman*, John T. Rather, Henry W. Rhodes, Robert F. Houston.  
 1833—*Reuben Chapman*, Robert F. Houston.  
 1834—*Reuben Chapman*, Robert F. Houston, John T. Rather, Isaac Lane.  
 1835—*John T. Rather*, Henry W. Rhodes, Matthew W. Lindsay.  
 1836—*John T. Rather*, M. W. Lindsay, Riley S. Davis, Milton McClanahan.  
 1837—*John T. Rather*, Riley S. Davis, M. McClanahan, William A. Slaughter.  
 1838—*Green P. Rice*, M. W. Lindsay, M. McClanahan, Benjamin A. Philpot.  
 1839—*Green P. Rice*, M. McClanahan, Charles E. B. Strode.  
 1840—*Green P. Rice*, M. McClanahan, Charles E. B. Strode.  
 1841—*Milton McClanahan*, C. E. B. Strode, Matthew W. Troup.  
 1842—*Milton McClanahan*, Green P. Rice, Francis M. Roby.  
 1843—*Milton McClanahan*, M. W. Troup, David C. Humphreys.  
 1844—*Milton McClanahan*, William W. Roby, Aaron Perry, Jr.  
 1845—*Milton McClanahan*, Green P. Rice, Aaron Perry, Jr.  
 1847—*Milton McClanahan*, William M. Roby, Thomas A. Strain.  
 1849—*William S. Compton*, John D. Rather, John Ryan.  
 1851—*John D. Rather*, William H. Campbell.  
 1853—*J. W. Garth*. 1855—*Green P. Rice*.  
 1857—*John D. Rather*, R. N. Walden.  
 1859—*John D. Rather*, R. N. Walden.  
 1861—*J. C. Orr*. 1863—*G. P. Charlton*.  
 1865—*James M. Jackson*, Z. T. Freeman.  
 1868—*J. J. Hines*, W. G. W. Smith.  
 1870—*J. J. Hines*, Jackson Gunn.

## L. PERRY COUNTY.

- 1822—*George Weisinger*, William Ford.  
 1823—*Dunklin Sullivan*, G. Weisinger, John McLaughlin.  
 1824—*Dunklin Sullivan*, G. Weisinger, C. J. Shackelford.  
 1825—*Dunklin Sullivan*, G. Weisinger, Richard B. Walthall.  
 1826—*Dunklin Sullivan*, G. Weisinger, R. B. Walthall.  
 1827—*Dunklin Sullivan*, G. Weisinger, R. B. Walthall.  
 1828—*Dunklin Sullivan*, G. Weisinger, David Cole, Martin A. Lea.  
 1829—*Richard B. Walthall*, G. Weisinger, David Cole, Elisha Young.  
 1830—*Richard B. Walthall*, Elisha Young, Elisha P. King, Martin A. Lea.  
 1831—*Richard B. Walthall*, Elisha P. King, Martin A. Lea, Charles J. Shackelford.  
 1832—*Richard B. Walthall*, G. Weisinger, Columbus W. Lee, William S. Miree.  
 1833—*Richard B. Walthall*, John Barron, W. S. Miree, C. W. Lee.  
 1834—*Richard B. Walthall*, Columbus W. Lee, W. S. Miree.  
 1835—*Richard B. Walthall*, C. W. Lee, W. S. Miree, Ovid C. Eiland.  
 1836—*Henry C. Lea*, Michael Wright, Jr., J. Barron, O. C. Eiland.  
 1837—*Henry C. Lea*, C. W. Lee, D. Sullivan, Leonard A. Weisinger.  
 1838—*Henry C. Lea*, M. Wright, L. A. Weisinger, William E. Blessingame.  
 1839—*Henry C. Lea*, M. Wright, J. Barron, Andrew B. Moore.  
 1840—*Henry C. Lea*, Alex. Q. Bradley, J. Barron, William Seawell.  
 1841—*Henry C. Lea*, A. Q. Bradley, J. Barron, Benjamin Ford.  
 1842—*Richard B. Walthall*, A. B. Moore, J. Barron, W. S. Miree.  
 1843—*Richard B. Walthall*, A. B. Moore, J. Barron, W. S. Miree.  
 1844—*Richard B. Walthall*, A. B. Moore, C. W. Lee, W. S. Miree.  
 1845—*Jack F. Cocke*, A. B. Moore, Isham W. Garrott, Jesse H. Cole,

- 1847—*Jack F. Cocke*, Isham W. Garrott, J. R. Johns, J. F. Bailey.  
 1849—*Jack F. Cocke*, George W. Goldsby, H. C. Lea, William Hendrix.  
 1851—*Jack F. Cocke*, Porter King, G. W. Goldsby, H. C. Lea.  
 1853—*Jack F. Cocke*, E. J. Talbert, Jesse G. Coles.  
 1855—*Jack F. Cocke*, W. S. Miree, J. C. Reid.  
 1857—*Jack F. Cocke*, A. Q. Bradley, George D. Johnson.  
 1859—*Jack F. Cocke*, A. Q. Bradley, A. K. Shepard.  
 1861—W. S. Miree, J. N. Walthall.  
 1863—J. H. Chapman, James L. Price.  
 1865—John Moore, Robert D. Sturdivant.  
 1868—F. D. Wyman, M. Avery, G. S. W. Lewis, T. C. Stewart.  
 1870—James H. Graham, A. H. Curtis, \* John Dozier.\*

## LI. PICKENS COUNTY.

- 1825—Boley Cannon. 1826—Boley Cannon.  
 1827—*James Moore*, Boley Cannon.  
 1828—*James Moore*, ——  
 1829—*Rufus K. Anderson*, George H. Flournoy.  
 1830—*Rufus K. Anderson*, George H. Flournoy.  
 1831—*Rufus K. Anderson*, George H. Flournoy.  
 1832—*Rufus K. Anderson*, George H. Flournoy.  
 1833—*Rufus K. Anderson*, Reuben Gardner.  
 1834—*Samuel B. Moore*, Lincoln Clark, A. B. Wooldridge, Henry Sossoman.  
 1835—*Samuel B. Moore*, Lincoln Clark, Charles Coons, Charles Stewart.  
 1836—*Samuel B. Moore*, Jephtha Spruill, Thomas Williams, Joseph Martin.  
 1837—*Samuel B. Moore*, Thomas Williams, Samuel Cochran, Joseph Martin.  
 1838—*Peyton King*, William S. Jones, Frederick C. Ellis, B. H. Neely.  
 1839—*Peyton King*, Joel E. Pearson, Curtis Williams, Nathan Smith.  
 1840—*Peyton King*, William McGill, J. Spruill, J. Peterson.  
 1841—*Peyton King*, J. Spruill, Reuben Gardner, E. C. Wallis.  
 1842—*Peyton King*, N. Smith, Thomas J. Clark, William R. Gardner.  
 1843—*Peyton King*, J. Spruill, R. T. Johnston, J. D. Johnson.  
 1844—*Jephtha Spruill*, T. J. Clark, Henry Stith, J. D. Johnson.  
 1845—*Jephtha Spruill*, Nathan Smith, R. T. Johnston.  
 1847—*James M. Beckett*, R. T. Johnston, Joel E. Pearson.  
 1849—*James M. Beckett*, Lewis M. Stone, A. L. Neal.  
 1851—*Joel E. Pearson*, L. M. Stone, James B. Gladney.  
 1853—*J. J. Lee*, J. D. Johnson, James Henry.  
 1855—*Benjamin F. Wilson*, Samuel Williams, Zach. L. Nabors.  
 1857—*Alexander B. Clitherall*, Z. L. Nabors, A. L. Neal.  
 1859—*Lewis M. Stone*, A. B. Clitherall, A. L. Neal.  
 1861—*Lewis M. Stone*, Martin L. Stansel, A. L. Neal.  
 1863—*John J. W. Payne*, Benjamin Atkinson, J. T. Gardner.  
 1865—*Martin L. Stansel*, Thomas C. Lanier, R. Henry.  
 1868—William Murrah. 1870—W. Murrah, D. C. Hodo.

## LII. PIKE COUNTY.

- 1825—Philip Fitzpatrick. 1826—Charles A. Dennis.  
 1827—Charles A. Dennis. 1828—Andrew C. Townsend.  
 1829—Charles A. Dennis, Jacinth Jackson.  
 1830—Andrew C. Townsend, Jacinth Jackson.  
 1831—George B. Augustus, Lawson J. Keener.  
 1832—Jesse J. Reaves, Lawson J. Keener.  
 1833—W. Fitzpatrick Evans. 1834—William F. Evans.  
 1835—Charles A. Dennis.  
 1836—*John W. Devereux*, William F. Evans.  
 1837—*John W. Devereux*, Luke R. Simmons.  
 1838—*John W. Devereux*, Luke R. Simmons.  
 1839—*James W. Townsend*, A. H. Harris, Jesse Reaves.  
 1840—Luke R. Simmons, S. Dixon.

- 1841—Norman McLeod, J. B. Stinson.  
 1842—James W. Crowder, Burwell W. Hodges.  
 1843—Norman McLeod, John A. Stringer.  
 1844—Harrell Hobdy, A. Lansdale.  
 1845—Harrell Hobdy, W. B. Stringer.  
 1847—W. Hubbard, S. S. Hamilton.  
 1849—Norman McLeod, Richard Benbow.  
 1851—Levi Freeman, Richard Benbow.  
 1853—*Harrell Hobdy*, W. J. McBryde, Dabid H. Horn, James Farrior.  
 1855—*Harrell Hobdy*, W. J. McBryde, J. F. Rhodes, D. L. Nicholson.  
 1857—*Henry B. Thompson*, J. Boatright, J. D. Murphree, J. C. Baskins.  
 1859—*E. L. McIntyre*, A. W. Starke, O. F. Knox, John B. Goldsmith.  
 1861—*E. McIntyre*, A. W. Starke, F. Park, H. Rainer.  
 1863—*D. A. McCall*, J. R. Brooks, W. R. Cox.  
 1865—*E. B. Wilkinson*, A. N. Worthy, W. B. Stringer, J. R. Goldthwaite.  
 1868—*Alfred N. Worthy*, John P. Hubbard.  
 1870—*Alfred N. Worthy*, John P. Hubbard.

## LIII. RANDOLPH COUNTY.

- 1837—Thomas Blake. 1838—William McKnight.  
 1839—Fleming F. Adrian. 1840—Fleming F. Adrian.  
 1841—Wyatt Hefflin. 1842—Jeremiah Murphy.  
 1843—Wyatt Hefflin. 1844—James W. Allen.  
 1845—*Jefferson Falkner*, Wyatt Hefflin, Samuel T. Owens.  
 1847—William Wood, Calvin J. Ussury.  
 1849—Robert S. Hefflin, Cicero D. Hodson.  
 1851—*John T. Hefflin*, John Reaves, Robert C. Pond.  
 1853—*Henry M. Gay*, W. P. Newell, John Goodwin.  
 1855—*Henry M. Gay*, Robert J. Wood, William H. Smith.  
 1857—*Robert S. Hefflin*, W. H. Smith, A. W. Denman, Isaac S. Weaver.  
 1859—*Robert S. Hefflin*, F. M. Ferrell, Joshua Hightower, F. A. McMurray.  
 1861—*Robert S. Hefflin*, A. W. Denman, C. J. Ussery, James Akin.  
 1863—*W. E. Wood*, H. W. Armstrong, M. D. Barron, A. A. West.  
 1865—*Middleton R. Bell*, James L. Williams, W. E. Connelly, W. W. Dobson.  
 1868—Jack Wood. 1870—J. H. Davis, Sr.

## LIV. RUSSELL COUNTY.

- 1837—Nimrod W. Long. 1838—James Abercrombie.  
 1839—James Abercrombie. 1840—Bryan S. Mangum.  
 1841—Brittain D. Harris. 1842—Brittain D. Harris.  
 1843—*Robert S. Hardaway*, John Segar.  
 1844—*Robert S. Hardaway*, William Barnett.  
 1845—*Robert S. Hardaway*, William Barnett, Nimrod W. Long.  
 1847—*James Abercrombie*, Joel Wilson, Benjamin H. Baker.  
 1849—*James Abercrombie*, Benjamin H. Baker, James D. Reese.  
 1851—*Benjamin H. Baker*, O. B. Walton, Sterling Bass, Jr.  
 1853—*Benjamin H. Baker*, A. T. Calhoun, Hiram Nelms.  
 1855—*Benjamin H. Baker*, William C. Dawson, Edgar Garlick.  
 1857—*A. B. Griffin*, Clark Aldridge, John S. Colbert.  
 1859—*A. B. Griffin*, Eliha Calhoun, F. G. Jones.  
 1861—*John A. Lewis*, W. P. Williams, J. Wilkerson.  
 1863—*John A. Lewis*, D. B. Mitchell, F. A. Nisbett.  
 1865—*J. W. Custens*, Leroy F. McCoy, B. G. Owens.  
 1868—*W. B. Martin*, J. Tyner, Horace King.  
 1870—*W. B. Martin*, B. M. Henry, Horace King.\*

## LV. SANFORD COUNTY.

- 1868—E. W. Lawrence. 1870—

## LVI. SHELBY COUNTY.

- 1819—*Bennett Ware*, Jesse Wilson, Arthur Taylor.  
 1820—*Bennett Ware*, Benjamin Davis, Jack Shackelford.  
 1821—*Bennett Ware*, Benjamin Davis, Thomas McKinney.  
 1822—*Jack Shackelford*, Benjamin Davis.  
 1823—*Jack Shackelford*, Samuel W. Mardis.  
 1824—*Jack Shackelford*, Samuel W. Mardis.  
 1825—Samuel W. Mardis. 1826—Joab Lawler.  
 1827—Joab Lawler. 1828—Joab Lawler, S. W. Mardis.  
 1829—Joab Lawler. 1830—S. W. Mardis, J. Lawler.  
 1831—*Joab Lawler*, James M. Nabors, Leonard Tarrant.  
 1832—*Joab Lawler*, Leonard Tarrant, George Hill.  
 1833—*Joab Lawler*, James M. Nabors, George Hill.  
 1834—*James M. Nabors*, Alphonso A. Sterrett, M. H. McHenry.  
 1835—*James M. Nabors*, A. A. Sterret, Martin H. McHenry.  
 1836—*James M. Nabors*, John M. McClanahan, M. H. McHenry.  
 1837—*Daniel E. Watrous*, J. M. McClanahan, John F. Primer.  
 1838—*Daniel E. Watrous*, J. M. McClanahan, W. J. Peters.  
 1839—*Daniel E. Watrous*, J. M. Nabors, Wade H. Griffin.  
 1840—*Daniel E. Watrous*, W. H. Griffin, William J. Peters.  
 1841—*Daniel E. Watrous*, W. H. Griffin, John S. Storrs.  
 1842—*Daniel E. Watrous*, John S. Storrs, Wilson M. Kidd.  
 1843—*Daniel E. Watrous*, John S. Storrs, David Owen.  
 1844—*Daniel E. Watrous*, John S. Storrs, W. M. Kidd.  
 1845—*Daniel E. Watrous*, John S. Storrs, John Roper.  
 1847—*James M. Nabors*, John S. Storrs, Thomas H. Brasier.  
 1949—*Daniel E. Watrous*, John S. Storrs, Thomas H. Brasier.  
 1851—*Daniel E. Watrous*, W. L. Prentice, Joseph Rober.  
 1853—A. A. Sterrett, Thomas P. Lawrence.  
 1855—*H. W. Nelson*, Nathaniel R. King, D. N. McClanahan.  
 1857—*John S. Storrs*, N. B. Mardis, J. P. Morgan.  
 1859—*H. W. Nelson*, William G. Bowdon, D. T. Seale.  
 1861—*J. P. Morgan*, S. Brasher, J. P. West.  
 1863—J. Kenan, Samuel Leeper.  
 1865—Samuel Leeper, J. C. Hand.  
 1868—E. W. Attaway. 1870—Burwell B. Lewis.

## LVII. ST. CLAIR COUNTY.

- 1819—*David Conner*, James Hardwick.  
 1820—*David Conner*, Philip Coleman.  
 1821—*David Conner*, James Hardwick.  
 1822—*David Conner*, James Hardwick, Philip Coleman.  
 1823—*David Conner*, James Hardwick, George Shotwell.  
 1824—*David Conner*, George Shotwell, Philip Coleman.  
 1825—*John Ashe*, George Shotwell, Philip Coleman.  
 1826—*John Ashe*, Philip Coleman, John Massey.  
 1827—*John Ashe*, John Massey, Henry Bradford.  
 1828—*David Canby*, John Massey, Thomas M. Barker.  
 1829—*David Canby*, John Massey, Henry Bradford.  
 1830—*David Conner*, John Massey, Champ Langford.  
 1831—*David Conner*, C. C. P. Farrar, Green T. McAfee.  
 1832—*John Ashe*, John Massey, Green T. McAfee.  
 1833—*John Ashe*, John Massey, C. C. P. Farrar.  
 1834—*John Ashe*, John Massey, C. C. P. Farrar.  
 1835—John Massey, Richmond Hammond.  
 1836—Richmond Hammond, John W. Cobb.  
 1837—Richmond Hammond, John W. Cobb.  
 1838—*C. C. P. Farrar*, Richmond Hammond, James Rogan.  
 1839—*C. C. P. Farrar*, John Marsey, James Rogan.  
 1840—*C. C. P. Farrar*, Orran M. Roberts.

- 1841—R. Hammond. 1842—James P. Bothwell. 1843—J. W. Cobb.  
 1844—*John Ashe*, James M. Edwards.  
 1845—*John Ashe*, James M. Edwards.  
 1847—R. Hammond. 1849—J. M. Edwards. 1851—Albert G. Bennett.  
 1853—James Foreman. 1855—Graham Beavers.  
 1857—*William Thaxton*, Richmond Hammond, Jr.  
 1859—S. Loyd. 1861—James Foreman.  
 1863—*Curtis E. Beeson*, George W. Ashe.  
 1865—George W. Ashe. 1868—H. G. Springfield. 1870—Leroy F. Box.

## LVIII. SUMTER COUNTY.

- 1834—Elijah Price. 1835—William S. Chapman.  
 1836—William W. Payne. 1837—W. W. Payne. 1838—W. W. Payne.  
 1839—Patrick S. Cromwell, Blake Little, Robert F. Houston, John A. Winston.  
 1840—*John Edmund Jones*, William M. Inge, John A. Winston, Blake Little.  
 1841—*John Edmund Jones*, William Woodward, Harrison W. Covington, James M. Rushing.  
 1842—*John Edmund Jones*, John A. Winston, William Woodward, Blake Little, Isaac F. Dortch.  
 1843—*John Anthony Winston*, Joseph G. Baldwin, Henry F. Scruggs, John C. Whitsett.  
 1844—*John Anthony Winston*, William Woodward, Samuel W. Inge, William S. Patton.  
 1845—*John Anthony Winston*, William Woodward, Samuel W. Inge, Sidney S. Perry.  
 1847—*John Anthony Winston*, William Woodward, Philip S. Glover, George Amason.  
 1849—*John Anthony Winston*, Robert H. Smith, James T. Hill, Thomas R. Crews.  
 1851—*John Anthony Winston*, John C. Whitsett, John R. Larkins, Devereaux Hopkins.  
 1853—*William Woodward*, John C. Whitsett, Benjamin F. Portis.  
 1855—J. Clanton, W. J. Gilmer.  
 1857—*William Woodward*, Robert F. Houston.  
 1859—*William Woodward*, B. Y. Ramsey.  
 1861—*Turner Reavis*, B. B. Little.  
 1863—*Turner Reavis*, John McInnis. 1865—W. V. Hare.  
 1868—J. A. Yordy, Richard Burke, George Houston, W. Taylor.  
 1870—E. W. Smith, J. H. Holmes, J. A. Mooring.

## LIX. TALLADEGA COUNTY.

- 1834—Lewis C. Sims. 1835—Lewis C. Sims.  
 1836—Francis Mitchell. 1837—William B. McClellan.  
 1838—*William B. McClellan*, Felix G. McConnell.  
 1839—*Felix G. McConnell*, William P. Chilton, William M. McPherson.  
 1840—*Felix G. McConnell*, George Hill, Samuel F. Rice.  
 1841—*Felix G. McConnell*, Samuel F. Rice, John W. Bishop.  
 1842—*Felix G. McConnell*, John W. Bishop, Archibald Barclay.  
 1843—*John W. Bishop*, John Hill, Thomas D. Clarke.  
 1844—*John W. Bishop*, Franklin W. Bowdon, David A. Griffin.  
 1845—*James G. L. Huey*, Franklin W. Bowdon, John Hill, Henry B. Turner, Jr.  
 1847—*John H. Townsend*, John J. Woodward, Allen Gibson, Jabez L. M. Curry.  
 1849—*Leonard Tarrant*, Walker Reynolds, B. W. Grace, J. H. King.  
 1851—*Leonard Tarrant*, A. J. Liddell, Alvis Q. Nix, N. George Shelley.  
 1853—*Jacob T. Bradford*, J. L. M. Curry, N. G. Shelley, John W. Bishop.  
 1855—*Jacob T. Bradford*, J. L. M. Curry, David H. Remson, John W. Bishop.  
 1857—*George Hill*, J. B. Martin, D. H. Remson, J. T. Bell.  
 1859—*George Hill*, Lewis E. Parsons, Charles Carter, J. T. Bell.  
 1861—*Bennett W. Groce*, Levi W. Lawler, George S. Walden, C. Carter.  
 1863—*Bennett W. Groce*, Lewis E. Parsons, L. W. Lawler, Henry Sims.  
 1865—*Jannes Montgomery*, Joseph D. McCann, George Plowman, J. W. Hardie.

1868—*Green T. McAfee*, H. W. W. Rice, E. T. Childress.  
 1870—*Green T. McAfee*, A. C. Wood, George W. Braxdall.

## LX. TALLAPOOSA COUNTY.

1834—*Joseph T. Clough*. 1835—*James Larkins*.  
 1836—*Joseph T. Clough*. 1837—*Harr M. Young*. 1838—*J. J. Holley*.  
 1839—*Salmon Washburn*, John J. Holley.  
 1840—*Samuel C. Dailey*, Charles Stone.  
 1841—*Samuel C. Dailey*, Leroy Gresham.  
 1842—*Samuel C. Dailey*, Leroy Gresham.  
 1843—*Goode Bryan*. 1844—*Allen Kimball*.  
 1845—*John J. Holley*, Allen Kimball.  
 1849—*Seaborn Gray*, John J. Holley, James L. Simmons.  
 1851—*Michael J. Bulger*, John Rowe.  
 1853—*Allen Kimball*, Henry Gillam, Benjamin Gibson, R. H. J. Holley.  
 1855—*Allen Kimball*, Hugh Lockett, A. G. Peddy, J. T. Shackelford.  
 1857—*John Rowe*, Michael J. Bulger, Joseph Johnson, H. M. Simpson.  
 1859—*John Rowe*, John J. Holley, Oliver P. Dark, A. S. C. Herrin.  
 1861—*Willis D. Mathews*, John J. Holley, J. G. Bass, W. R. Berry.  
 1863—*Willis D. Mathews*, Robert Ashurst, A. A. Dark, Early Greathouse.  
 1864—*Michael J. Bulger*, ——.   
 1865—*Alfred H. Slaughter*, David Thrasher, Joseph Lindsay, H. R. McCoy.  
 1866—*Michael J. Bulger*.  
 1868—*C. Corprew*, C. T. Thweatt.  
 1870—*J. F. Ashurst*, W. D. Bulger.

## LXI. TUSKALOOSA COUNTY.

1819—*Thomas Hogg*, James Hill, Hardin Perkins, Julius Sims.  
 1820—*Thomas Hogg*, James Hill, Hardin Perkins, Jephtha V. Isbell.  
 1821—*Thomas Hogg*, Levin Powell, Marmaduke Williams, Sion L. Perry.  
 1822—*Levin Powell*, Marmaduke Williams, James Hill, Thomas C. Hunter.  
 1823—*Levin Powell*, James Hill, Hardin Perkins, John L. Tindall.  
 1824—*Levin Powell*, H. Perkins, J. Hill, Robert E. B. Baylor.  
 1825—*Levin Powell*, Richard Inge, J. L. Tindall, M. D. Williams, Seth Barton.  
 1826—*Levin Powell*, Harvey W. Ellis, Benjamin Whitfield, M. D. Williams, H. Perkins.  
 1827—*Levin Powell*, Henry W. Collier, H. W. Ellis, H. Perkins, William H. Jack.  
 1828—*Levin Powell*, Seth Barton, H. Perkins, Willis Banks, B. Whitfield.  
 1829—*Levin Powell*, M. D. Williams, H. W. Ellis, H. Perkins, W. Banks.  
 1830—*Levin Powell*, Eli Shortridge, Thomas Hogg, M. D. Williams, Moses Collins.  
 1831—*Levin Powell*, Benjamin B. Fontaine, William H. Terrell, John R. Drish, James Foster.  
 1832—*Levin Powell*, Pleasant N. Wilson, Constantine Perkins, John R. Drish, M. D. Williams.  
 1833—*James Guild*, H. W. Ellis, M. D. Williams, Thomas Williams, Jolly Jones.  
 1834—*Constantine Perkins*, Dennis Dent, Eli Shortridge, Samuel G. Frierson, Jolly Jones.  
 1835—*Constantine Perkins*, Dennis Dent, S. G. Frierson, Abel H. White, Jacob Wyzer.  
 1836—*Samuel Johnson*, George W. Crabb, D. Dent, H. W. Ellis, S. G. Frierson.  
 1837—*George W. Crabb*, Benjamin F. Porter, Pleasant H. May, M. D. Williams, William Simonton.  
 1838—*Dennis Dent*, Benjamin F. Porter, Reuben Searcy, Jabez Mitchell, M. D. Williams.  
 1839—*Dennis Dent*, John D. Phelan, J. Mitchell, M. D. Williams, B. F. Porter.  
 1840—*Dennis Dent*, Robert Jemison, Jr., H. Perkins, J. Mitchell, James G. Blount.  
 1841—*Dennis Dent*, Robert Jemison, Jr., William R. Smith, J. Mitchell, H. Perkins.  
 1842—*Dennis Dent*, W. R. Smith, William P. Merriwether, Marion Banks, B. F. Porter.

- 1843—*Dennis Dent*, Bakus W. Huntington, M. Banks, W. P. Merriwether, J. Mitchell.  
 1844—*Dennis Dent*, Peter Martin, R. Jemison, Jr., J. Mitchell, W. P. Merriwether.  
 1845—*Dennis Dent*, James Guild, B. F. Porter, Abner Wynn.  
 1847—*Dennis Dent*, R. Jemison, Jr., B. F. Porter, H. Perkins.  
 1849—*Dennis Dent*, R. Jemison, Jr., H. Perkins, Moses McGuire.  
 1851—*Robert Jemison, Jr.*, James B. Wallace, M. Banks, Rufus H. Clements.  
 1853—*Robert Jemison, Jr.*, Joshua L. Martin, Newbern H. Brown.  
 1855—*Robert Jemison, Jr.*, N. H. Brown, Ezekiel A. Powell.  
 1857—*Robert Jemison, Jr.*, N. H. Brown, E. A. Powell.  
 1859—*Robert Jemison, Jr.*, Newton L. Whitfield, N. H. Brown.  
 1861—*Robert Jemison, Jr.*, William H. Jemison, J. C. Spencer.  
 1863—*Robert Jemison, Jr.*, W. A. Bishop, T. P. Lewis.  
 1865—*Ezekiel A. Powell*, N. L. Whitfield, J. A. M. Lester.  
 1868—Ryland Randolph, S. W. Jones.  
 1870—W. S. Wyman, N. N. Clements.

## LXII. WALKER COUNTY.

- 1834—Solomon B. Patton. 1835—S. B. Patton.  
 1836—Eldridge Mallard. 1837—James Cain.  
 1838—Joseph Rutherford. 1839—Eldridge Mallard.  
 1841—James Cain. 1842—James Cain.  
 1843—John E. Clancey. 1844—L. W. Baker.  
 1845—John Menasco. 1847—John Menasco.  
 1849—James Cain. 1851—John Menasco.  
 1853—*William A. Hewlett*, John Irwin.  
 1855—*William A. Hewlett*, John Menasco.  
 1857—William Reid. 1859—J. M. Easley.  
 1861—*James A. Hill*, W. Gravely.  
 1863—*James A. Hill*, John Menasco.  
 1865—John Menasco. 1868—W. T. Stubblefield. 1870—L. C. Miller.

## LXIII. WASHINGTON COUNTY.

- 1819—*William Trotter*, John F. Everett, James Thompson.  
 1820—*William Trotter*, James Taggart, Benjamin S. Smoot.  
 1821—*William Trotter*, James Taggart, James Thompson.  
 1822—James Thompson.  
 1825—*William Crawford*, Ptolemy Harris.  
 1826—*William Crawford*, Ptolemy Harris.  
 1827—*William Crawford*, Ptolemy Harris.  
 1828—Ptolemy Harris. 1829—John Fitts.  
 1830—Ptolemy Harris. 1831—Ptolemy Harris.  
 1832—Alexander Trotter. 1833—Erasmus G. Collier.  
 1834—Joseph McCarty, Jr. 1835—William B. Trotter.  
 1836—John H. Owen. 1837—John H. Owen.  
 1838—James G. Slater. 1839—William Smith.  
 1840—Samuel S. Houston. 1841—Samuel S. Houston.  
 1845—Beloved L. Turner. 1843—Beloved L. Turner.  
 1844—Thomas McCarroll Prince.  
 1845—*Beloved L. Turner*, Thomas M. C. Prince.  
 1847—John S. Malone. 1849—B. L. Turner.  
 1851—B. L. Turner. 1853—E. H. Gordy.  
 1855—James White. 1857—J. B. Slade.  
 1857—James White. 1861—J. B. Slade.  
 1863—T. P. Ashe. 1865—George P. Younge.  
 1868—J. R. Waldrup. 1870—W. W. Coleman.

## LXIV. WILCOX COUNTY.

- 1822—Edwin L. Harris. 1823—John Beck.  
 1824—John Beck. 1825—John W. Bridges.

- 1826—John W. Bridges. 1827—John W. Bridges.  
 1829—Walter R. Ross, Allen Robinson.  
 1830—Walter R. Ross, Allen Moore.  
 1831—John W. Bridges, Walter R. Ross, Allen Moore.  
 1832—John W. Bridges, Walter R. Ross.  
 1833—John W. Bridges, S. S. Bonham, C. M. Pegues.  
 1834—John M. Burke, John W. Bridges, Henry E. Curtis.  
 1835—John M. Burke, John W. Bridges, Henry E. Curtis.  
 1836—John M. Burke, William H. Pledger, D. C. Smith.  
 1837—John M. Burke, Walter R. Ross, John W. Daniel.  
 1838—Walter R. Ross, Allen Moore, Malcolm M. Burke.  
 1839—Walter R. Ross, Allen Moore, C. M. Pegues.  
 1840—Walter R. Ross, Allen Moore, C. M. Pegues.  
 1841—Walter R. Ross, Thomas Jefferson, Littlebury W. Mason.  
 1842—Walter R. Ross, John W. Bridges, Charles Dear.  
 1843—Walter R. Ross, John W. Bridges, Charles Dear.  
 1844—Walter R. Ross, Thomas K. Deck, L. W. Mason.  
 1845—Calvin C. Sellers, Thomas K. Beck, L. W. Mason.  
 1847—Joseph D. Jenkins, James T. Johnson.  
 1849—John W. Bridges, Thomas E. Irby.  
 1851—James T. Johnson, Franklin K. Beck, David Sterrett.  
 1853—Daniel J. Fox, Robert H. Erwin.  
 1855—Franklin K. Beck, George Lynch.  
 1857—Felix Tait. 1859—Felix Tait. 1861—G. S. Gullett.  
 1863—Robert H. Erwin, John Moore.  
 1865—Aaron B. Cooper, J. R. Hawthorn.  
 1868—William Henderson, A. G. Richardson.  
 1870—J. S. Perrin, William Henderson, Thomas McCusky.

## LXV. WINSTON (formerly Hancock) COUNTY.

- 1853—James Vest. 1855—Abner Little.  
 1857—Abner Little. 1859—J. M. Bibb.  
 1861—C. C. Sheets. 1863—Zachariah White.  
 1865—J. W. Wilbite. 1868—John Taylor. 1870—John Taylor.

[NOTE.—For some of the new counties no Representatives appear on the Journal of the House. Names marked thus (\*) signify colored members. No distinction of this kind occurs in the roll of 1868-'69, as the author failed to obtain the proper information in time.]

## PRESIDING OFFICERS, SECRETARIES AND CLERKS.

*Presidents of the Senate.*

- 1819—Thomas Bibb,  
 1820—Gabriel Moore,  
 1821—John D. Terrell,  
 1822—John D. Terrell,  
 1823—Nicholas Davis,  
 1824—Nicholas Davis,  
 1825—Nicholas Davis,  
 1826—Nicholas Davis,  
 1827—Nicholas Davis,  
 1828—Levin Powell,  
 1829—Levin Powell,  
 1830—Samuel B. Moore,  
 1831—James Jackson,  
 1832—Levin Powell,  
 1833—John Erwin,  
 1834—Francis S. Lyon,  
 1835—Samuel B. Moore,  
 1836—Hugh McVay,  
 1837—Jesse Beene,

*Secretaries of the Senate.*

- Thomas A. Rogers,  
 Marmaduke Williams,  
 Francis S. Lyon,  
 Charles D. Conner,  
 Charles D. Conner,  
 Charles D. Conner,  
 David S. Morton,  
 Charles D. Conner,  
 Charles D. Conner,  
 Charles D. Conner,

*Presidents of the Senate.*

- 1838—James M. Calhoun,  
 1839—Green P. Rice,  
 1840—J. L. F. Cottrell,  
 1841—Nathaniel Terry,  
 1842—Nathaniel Terry,  
 1843—Nathaniel Terry,  
 1844—Nathaniel Terry,  
 1845—John A. Winston,  
 1847—John A. Winston,  
 1849—Dennis Dent,  
 1851—Charles McLemore,  
 1853—William B. Martin,  
 1855—Benjamin C. Yancey,  
 1857—James M. Calhoun,  
 1859—John D. Rathér,  
 1861—Robert M. Patton,  
 1862—James M. Calhoun,  
 1863—Robert Jemison, Jr.,\*  
 1864—Thomas A. Walker,  
 1865—Walter H. Crenshaw,  
 1866—Walter H. Crenshaw.  
 1868—A. J. Applegate, Lt. Gov.,  
 1869—R. N. Barr,  
 1870—E. H. Moren, Lt. Governor.

*Secretaries of the Senate.*

- Jones M. Withers,  
 Pleasant Hill,  
 Pleasant Hill,  
 B. A. Philpot,  
 George B. Clitherall,  
 William J. Couch,  
 Pleasant Hill,  
 Pleasant Hill,  
 Jennings F. Marrast,  
 Jennings F. Marrast,  
 William L. Cain,  
 Joseph Phelan,  
 Joseph Phelan,  
 Joseph Phelan,  
 Micah Taul,  
 Matthew P. Blue,  
 Matthew P. Blue,  
 Matthew P. Blue.

*Speakers of the House of Representatives.*

- 1819—James Dellet,  
 1820—George W. Owen,  
 1821—James Dellet,  
 1822—Arthur P. Bagby,  
 1823—William I. Adair,  
 1824—Samuel Walker,  
 1825—William Kelly,  
 1826—Samuel W. Oliver,  
 1827—Samuel W. Oliver,  
 1828—Clement C. Clay,  
 1829—John Gayle,  
 1830—James Penn,  
 1831—James Penn,  
 1832—Samuel W. Oliver,  
 1833—Samuel W. Oliver,  
 1834—Samuel W. Oliver,  
 1835—James W. McClung,  
 1836—Arthur P. Bagby,  
 1837—James W. McClung,  
 1838—James W. McClung,  
 1839—John D. Phelan,  
 1840—Samuel Walker, †  
 1841—David Moore,  
 1842—John Erwin,  
 1843—Andrew B. Moore,  
 1844—Andrew B. Moore,

*Clerks of the House.*

- Jonas J. Bell,  
 James J. Pleasants,  
 Nathaniel Dodson,  
 Nathaniel Dodson,  
 Nathaniel Dodson,  
 Nathaniel Dodson,  
 Thomas B. Tuntstall,  
 Gideon B. Frierson,  
 William Garrett,  
 William Garrett,  
 William Garrett, ||  
 Thomas B. Tuntstall,  
 Joseph Phelan,  
 Joseph Phelan,  
 Joseph Phelan,

\*Mr. Jemison resigned during the session, on being elected to the Senate of the Confederate States, when the Hon. Thomas A. Walker was elected President of the Senate to fill the vacancy.

†In the course of the session, Mr. Taul resigned, and William H. Garrett, of Coosa, was elected Secretary of the Senate.

‡Mr. Walker resigned from indisposition, and Robert A. Baker, Esq., was elected in his place.

§On being elected Secretary of State, Col. Garrett resigned as Clerk of the House, when Thomas R. Tuntstall was elected to fill the vacancy.

*Speakers of the House of Representatives.*

1845—Andrew B. Moore,  
 1847—Leroy Pope Walker,  
 1849—Leroy Pope Walker,  
 1851—John D. Rather,  
 1853—William Garrett,  
 1855—Richard W. Walker,  
 1857—Crawford M. Jackson,  
 1859—Alexander B. Meek,  
 1861—Walter H. Crenshaw,  
 1862—Walter H. Crenshaw,  
 1863—Walter H. Crenshaw,  
 1864—Walter H. Crenshaw,  
 1865—Thomas B. Cooper,  
 1866—Thomas B. Cooper,  
 1868—George F. Harrington,  
 1870—John P. Hubbard.

*Clerks of the House.*

Joseph Phelan,  
 Alexander B. Clitherall,  
 Alexander B. Clitherall,  
 Alexander B. Clitherall,  
 Malcolm D. Graham,  
 Albert Elmore,  
 Albert Elmore,  
 Albert Elmore,  
 Alexander B. Clitherall,  
 Alexander B. Clitherall,  
 Albert Elmore,  
 Albert Elmore,  
 Albert Elmore,  
 Turner Clanton,  
 Turner Clanton,  
 William B. Cloud,  
 Ellis Phelan.

## II. MEMBERS OF CONGRESS.

Names of Senators and Representatives in the Congress of the United States from Alabama since 1819 :

## SENATORS.

*Service.*

1819 to 1844—William R. King,  
 1844 to 1848—Dixon H. Lewis,  
 1848 to 1849—Benjamin Fitzpatrick,  
 1849 to 1853—Jeremiah Clemens,  
 1853 to 1861—C. C. Clay, Jr.,  
 1819 to 1822—John W. Walker,  
 1822 to 1825—William Kelly,

*Service.*

1825 to 1826—Henry Chambers,  
 1826 to 1831—John McKinley,  
 1831 to 1837—Gabriel Moore,  
 1837 to 1842—Clement C. Clay,  
 1842 to 1848—Arthur P. Bagby,  
 1848 to 1853—William R. King,  
 1853 to 1861—Benjamin Fitzpatrick.

## REPRESENTATIVES.

16th Congress, 1819-'21,  
 John Crowell.

18th Congress, 1823-'25,  
 John McKee,  
 Gabriel Moore,  
 George W. Owen.

20th Congress, 1827-'29,  
 John McKee,  
 Gabriel Moore,  
 George W. Owen.

22d Congress, 1831-'33,

Clement C. Clay, Dixon H. Lewis, Samuel W. Mardis.

23d Congress, 1833-'35,  
 Clement C. Clay,  
 Dixon H. Lewis,  
 Samuel W. Mardis,  
 John McKinley,  
 John Murphy.

25th Congress, 1837-'39,  
 Reuben Chapman,  
 Joab Lawler,\*  
 Dixon H. Lewis,  
 Joshua L. Martin,  
 Francis S. Lyon.

17th Congress, 1821-'23,  
 William Kelly.

19th Congress, 1825-'27,  
 John McKee,  
 Gabriel Moore,  
 George W. Owen.

21st Congress, 1829-'31,  
 Robert E. B. Baylor,  
 Clement C. Clay,  
 Dixon H. Lewis.

24th Congress, 1835-'37,  
 Reuben Chapman,  
 Joab Lawler,  
 Dixon H. Lewis,  
 Joshua L. Martin,  
 Francis S. Lyon.

26th Congress, 1839-'41,  
 Reuben Chapman,  
 George W. Crabb,  
 James Dellel,  
 David Hubbard,  
 Dixon H. Lewis.

\* Mr. Lawler died at Washington City in 1838, and Gen. George W. Crabb was elected to serve out the unexpired term.

- 27th Congress, 1841-'43,  
Reuben Chapman,  
George S. Houston,  
Dixon H. Lewis,  
William W. Payne,  
Benjamin G. Shields.
- 28th Congress, 1843-'45,  
James E. Belser,  
Reuben Chapman,  
James Dellet,  
George S. Houston,  
Felix G. McConnell,  
William W. Payne,  
William L. Yancey.
- 29th Congress, 1845-'47,  
Reuben Chapman,  
Edward S. Dargan,  
Henry W. Hilliard,  
George S. Houston,  
Felix G. McConnell,  
William W. Payne,  
William L. Yancey.\*
- 30th Congress, 1847-'49,  
Franklin W. Bowdon,  
W. R. W. Cobb,  
John Gayle,  
Sampson W. Harris,  
Henry W. Hilliard,  
George S. Houston,  
Samuel W. Inge.
- 31st Congress, 1849-'51,  
William, J. Alston,  
Franklin W. Bowdon,  
W. R. W. Cobb,  
Sampson W. Harris,  
Henry W. Hilliard,  
David Hubbard,  
Samuel W. Inge.
- 32d Congress, 1851-'53,  
James Abercrombie,  
John Bragg,  
W. R. W. Cobb,  
Sampson W. Harris,  
George S. Houston,  
William R. Smith,  
Alexander White.
- 33d Congress, 1853-'55,  
James Abercrombie,  
W. R. W. Cobb,  
James F. Dowdell,  
Sampson H. Harris,  
George S. Houston,  
Philip Phillips,  
William R. Smith.
- 34th Congress, 1855-'57,  
W. R. W. Cobb,  
James F. Dowdell,  
Sampson W. Harris,  
George S. Houston,  
Eli S. Shorter,  
William R. Smith,  
Percy Walker.
- 35th Congress, 1857-'59,  
W. R. W. Cobb,  
Jabez L. M. Curry,  
James F. Dowdell,  
George S. Houston,  
Sydenham Moore,  
Eli S. Shorter,  
James A. Stallworth.
- 36th Congress, 1859-'61,  
David Clopton,  
W. R. W. Cobb,  
Jabez L. M. Curry,  
George S. Houston,  
Sydenham Moore,  
James L. Pugh,  
James A. Stallworth.

[NOTE.—On the passage of the Ordinance of Secession, in January, 1861, the Senators and Representatives of Alabama withdrew from Congress, and the State was not again represented in that body until 1868. In the meantime, under the Reconstruction policy of President Johnson, Representatives were elected in November, 1865, to serve until March 4, 1867, viz: From the 1st District, Charles C. Langdon; 2. George C. Freeman; 3. Cullen A. Battle; 4. Joseph W. Taylor; 5. Burwell T. Pope; 6. Thomas J. Foster. At the session of the Legislature in 1865, the Hon. Lewis Parsons was elected a Senator in Congress for the term expiring March 3, 1871; Gen. George S. Houston for the term expiring March 3, 1867, and the Hon. John Anthony Winston for a term of six years, commencing on the 4th March, 1867. None of these gentlemen were admitted to seats in Congress.

In April, 1867, the Military Commander of the Fourth District—consisting of Georgia, Florida and Alabama—took control of the State Government, under the Reconstruction Acts of Congress, and the Convention elected pursuant to his orders formed a Constitution, which provided for the election of Representatives in February, 1868, when the following were declared duly elected to the 40th Congress: From the 1st District, F. M. Kellogg; 2. Charles W. Backley; 3. Benjamin W. Norris; 4. Charles W. Pierce; 5. John B. Cullis; 6.—Haughey—the term of service to expire March 3, 1869.

At the session of the Legislature in July, 1868, George E. Spencer and Willard Warner, Esqrs., were elected Senators in Congress, who, being free from objections as to loyalty, were allowed to take their seats.

\* Mr. Yancey resigned in 1846, and the Hon. James LaFayette Cottrell was elected to serve out the unexpired term.

In August, 1869, an election was held for Representatives to the 41st Congress, and in November, 1870, for the 42d Congress, with the following results:

41st Congress, 1869-'71,

1. Alfred E. Buck,
2. Charles W. Buckley,
3. Robert S. Hettin,
4. Charles Hays,
5. Peter M. Dox,
6. William C. Sherrod.

42d Congress, 1871-'73,

1. Benjamin F. Turner,\*
2. Charles W. Buckley,
3. William A. Handley,
4. Charles Hays,
5. Peter M. Dox,
6. Joseph H. Sloss.

At the session of the Legislature in 1870-'71, the Hon. George Goldthwaite was elected a Senator in Congress, to succeed the Hon. Willard Warner, whose term expired on the 3d of March, 1871. Mr. Spencer has occupied a seat in the Senate from Alabama since the war.]

### III. GOVERNORS AND EXECUTIVE OFFICERS—1819 TO 1872.

As preliminary to the list proper, it may be observed that, in 1802, Georgia ceded the whole district of country now forming Alabama and Mississippi, in consideration of \$1,250,000, and the guaranty, by the United States, of the extinguishment of the Indian title to all the lands within her remaining limits.

The Territorial Government of Mississippi, organized in 1798, was formed on the basis of the Ordinance of 1787, for the government of the North-Western Territory, except the clause forbidding slavery, or involuntary servitude. In 1803, President Jefferson appointed Robert Williams, Esq., (brother of Judge M. D. Williams, of Tuscaloosa,) Governor of the Territory, in which office he remained six years. It was subsequently filled by the Hon. George Poindexter, and others, up to the division of the Territory in 1818, when the name of Alabama was given to the eastern half. The Hon. William Wyatt Bibb was appointed by President Monroe the first Governor of the Alabama Territory, and Henry Hitchcock, Esq., Secretary.

On the 2d of March, 1819, Congress passed "An act to enable the people of Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States;" in pursuance of which act a Convention was held at Huntsville, and the first Constitution of Alabama was formed on the 2d of August, 1819. There were then twenty-two counties, and, of course, the other forty-three counties have been organized since that time.

As the part of signing the Constitution of a State (and such a State as Alabama) is an honor of which any man, or his descendants, may be proud, I have copied, as an act of justice to gentlemen who have passed away, their names in the order in which they were affixed to the Constitution, enrolled on parchment, with the original signatures, as filed in the office of the Secretary of State. They are as follows:

John W. Walker, President of the Convention.

MADISON COUNTY.—Clement C. Clay, John Leigh Towns, Henry Chambers, Lemuel Mead, Henry Minor, Gabriel Moore, John M. Taylor.

MONROE.—John Murphy, John Watkins, James Pickens, Thomas Wiggins.

BLOUNT.—Isaac Browne, John Brown, Gabriel Hanby.

LIMESTONE.—Thomas Bibb, Beverly Hughes, Nicholas Davis.

SHELBY.—George Phillips, Thomas Amis Rodgers.

MONTGOMERY.—John Dandridge Bibb, James W. Armstrong.

WASHINGTON.—Israel Pickens, Henry Hitchcock.

TUSKALOOSA.—Marmaduke Williams, John L. Tindall.

LAWRENCE.—Arthur F. Hopkins, Daniel Wright.

FRANKLIN.—William Metcalf, Richard Ellis.

COTACO.—(now Morgan) Thomas D. Crabb, Milkijah Vaughn.

CLARKE.—Reuben Saffold, James Magoffin.

CAHABA.—(now Bibb) Littlepage Sims.

CONECUH.—Samuel Cook.

DALLAS.—William R. King.

MARENGO.—Washington Thomson.

MARION.—John D. Terrell.

LAUDERDALE.—Hugh McVay.

ST. CLAIR.—David Conner.

AUTAUGA.—James Jackson.

BALDWIN.—Henry Toulmin.

MOBILE.—Samuel H. Garrow.

It is due to John Campbell, Secretary of the Convention, to say that the parchment roll, in his writing, is remarkable for neatness and regularity.

A partial list of Attorneys under the Territorial Government shows, among a number of gentlemen commissioned in 1818 to practice law, the names of John Gayle, Jr., Jesse Beene, Peter Martin, Samuel Chapman and Thomas Owen; and, in 1819, James White McClung, Hopson Owen, John McKinley, Joshua L. Martin and Hardin Perkins.

The first Governor of Alabama, under the State Constitution, was his Excellency William W. Bibb, who was installed into office November 9, 1819, and died July 10, 1820. The unexpired term was filled by his brother, Hon. Thomas Bibb, of Limestone, President of the Senate.

The succeeding Governors have been—

1. Israel Pickens, 1821 to 1825.
2. John Murphy, 1825 to 1829.
3. Gabriel Moore,\* 1820 to 1835.
4. John Gayle, 1831 to 1835.
5. Clement C. Clay, † 1835 to 1837.
6. Arthur P. Bagby, 1837 to 1841.
7. Benjamin Fitzpatrick, 1841 to 1845.
8. Joshua L. Martin, 1845 to 1847.
9. Reuben Chapman, 1847 to 1849.
10. Henry W. Collier, 1849 to 1853.
11. John A. Winston, 1853 to 1857.
12. Andrew B. Moore, 1857 to 1861.
13. John Gill Shorter, 1861 to 1863.
14. Thomas H. Watts, 1863 to 1865.

Lewis E. Parsons, Provisional Governor from July to December, 1865.

Robert M. Patton, Governor from December, 1865, to July, 1868.

William H. Smith, Governor, under the Reconstruction Acts of Congress, from July, 1868, to November, 1870.

Robert B. Lindsay, elected Governor by the people, under the new Constitution, in November, 1870.

#### SECRETARIES OF STATE.

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| 1. Thomas A. Rodgers, 1819 to 1821.  | 8. James H. Weaver, 1856 to 1860.    |
| 2. James J. Pleasants, 1821 to 1824. | 9. Patrick H. Brittan, 1860 to 1865. |
| 3. James I. Thornton, 1824 to 1834.  | 10. Albert Elmore, 1865 to 1866.     |
| 4. Edmund A. Webster, 1834 to 1836.  | 11. David L. Dalton, 1866 to 1867.   |
| 5. Thomas B. Tunstall, 1836 to 1840. | 12. Micah Taul, 1867 to 1869.        |
| 6. William Garrett, 1840 to 1852.    | 13. Charles A. Miller, 1869 to 1870. |
| 7. Vincent M. Benham, 1852 to 1856.  | 14. Jabez Jackson Parker, 1870 ———.  |

#### COMPTROLLERS OF PUBLIC ACCOUNTS.

- |   |                                       |
|---|---------------------------------------|
| 1. Samuel Pickens, 1819 to 1828.        | 5. William J. Green, 1855 to 1865.    |
| 2. George W. Crabb, 1828 to 1835.       | 6. M. A. Chisolm, 1865 to 1868.       |
| 3. Jefferson C. Van Dyke, 1835 to 1847. | 7. E. M. Reynolds, Auditor, 1868 ———. |
| 4. Joel Riggs, 1847 to 1855.            |                                       |

\*Governor Moore resigned in 1830, on being elected to the Senate of the United States, and the balance of his term was filled by the Hon. Samuel B. Moore, of Pickens, as President of the Senate.

†Governor Clay resigned in June, 1837, on being elected a Senator in Congress, and the unexpired term was served by the Hon. Hugh McVay, of Lauderdale, as President of the Senate.

## STATE TREASURERS.

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| 1. Jack F. Ross, 1819 to 1821.       | 6. William Graham, 1847 to 1857.   |
| 2. John C. Perry, 1821 to 1829.      | 7. Duncan B. Graham, 1857 to 1865. |
| 3. Hardin Perkins, 1829 to 1835.     | 8. Lydal B. Saxton, 1865 to 1868.  |
| 4. William Hawn,* 1835 to 1840.      | 9. Arthur Bingham, 1868 to 1870.   |
| 5. Samuel G. Frierson, 1840 to 1847. | 10. James F. Grant, 1870 —.        |

## IV. COURT ROLL.

Names of Judges of the Supreme Court, Judges of the Circuit Court, Attorney Generals and Solicitors from 1819:

## SUPREME COURT.

| <i>Judges.</i>           | <i>Judges.</i>           |
|--------------------------|--------------------------|
| 1832—Abner S. Lipscomb,  | 1850—Silas Parsons,      |
| 1832—John M. Taylor,     | 1851—Daniel Coleman,     |
| 1832—Reuben Saffold,     | 1852—David G. Ligon,     |
| 1834—Harry I. Thornton,  | 1852—George Goldthwaite, |
| 1834—Henry Hitchcock,    | 1852—John D. Phelan,     |
| 1834—Arthur F. Hopkins,  | 1852—Lyman Gibbons,      |
| 1836—Henry W. Collier,   | 1854—Samuel F. Rice,     |
| 1837—John J. Ormond,     | 1856—A. J. Walker,       |
| 1838—Henry Goldthwaite,  | 1856—George W. Stone,    |
| 1842—Henry W. Collier,   | 1858—Richard W. Walker,  |
| 1842—Henry Goldthwaite,  | 1860—Richard W. Walker,  |
| 1842—John J. Ormond,     | 1863—John D. Phelan,     |
| 1843—Clement C. Clay,    | 1865—A. J. Walker,       |
| 1844—Henry Goldthwaite,  | 1865—William M. Byrd,    |
| 1847—Edward S. Dargan,   | 1865—Thomas J. Judge,    |
| 1847—Henry W. Collier,   | 1868—E. Woolsey Peck,    |
| 1848—William P. Chilton, | 1868—Thomas M. Peters,   |
| 1849—Silas Parsons,      | 1868—B. F. Saffold.      |

## REPORTERS OF DECISIONS.

- |                                      |                                   |
|--------------------------------------|-----------------------------------|
| 1. Henry Minor, 1820 to 1826.        | 6. J. J. Ormond, 1847 to 1849.    |
| 2. George F. Stewart, 1827 to 1831.  | 7. N. W. Cocke, 1849 to 1851.     |
| 3. Stewart & Porter, 1832 to 1834.   | 8. John W. Sheperd, 1852 to 1868. |
| 4. Benjamin F. Porter, 1834 to 1839. | 9. John L. C. Danner, 1868.       |
| 5. By the Judges, 1840 to 1847.      | 10. Thomas G. Jones, 1869 —.      |

## LIBRARIANS—SUPREME COURT LIBRARY.

- |                                     |                                   |
|-------------------------------------|-----------------------------------|
| 1. James S. Albright, 1856 to 1860. | 4. Henry L. Taylor, 1866 to 1868. |
| 2. Warren D. Brown, 1860 to 1865.   | 5. Patrick Ragland, 1868 —.       |
| 3. Matthew W. Allen, 1865.          | Junius Moore Riggs, Assistant.    |

## FIRST CIRCUIT.

| <i>Judges.</i>          | <i>Judges.</i>          |
|-------------------------|-------------------------|
| 1819—Abner S. Lipscomb, | 1852—Andrew B. Moore,   |
| 1825—Abner S. Lipscomb, | 1857—William M. Brooks, |
| 1832—Ptolemy Harris,    | 1858—Porter King,       |
| 1836—Ptolemy Harris,    | 1861—Porter King,       |
| 1837—Ptolemy Harris,    | 1865—B. F. Saffold,     |
| 1841—John D. Phelan,    | 1866—John Moore,        |
| 1847—John D. Phelan,    | 1868—B. L. Wheelan,     |
| 1850—John D. Phelan,†   | 1869—Milton J. Saffold. |

\*Mr. Hawn resigned April, 1840, on being appointed Cashier of the State Bank, and the Executive appointed E. F. Comegys, Esq., Treasurer until December, 1840.

†The Constitution was amended in 1849 so as to make the Judges of the Circuit Court, and Judges of the Courts of Probate, elective by the people. The first election for this purpose was held in May, 1850.

*Solicitors.*

1819—John Gayle, Jr.,  
 1821—Eldridge S. Greening,  
 1822—John Elliott,  
 1822—Thomas Murray,  
 1829—David Crawford,  
 1833—Isaac H. Erwin,  
 1837—Benjamin B. Breedin,  
 1840—William M. Brooks,

*Solicitors.*

1846—William E. Clarke,  
 1852—Henry C. Lea,  
 1854—Young L. Royston,  
 1855—R. Gaillard,  
 1856—Young L. Royston,  
 1859—Young L. Royston,  
 1865—Young L. Royston,  
 1865—Rufus J. Reid.

## SECOND CIRCUIT.

*Judges.*

1819—Reuben Saffold,  
 1825—Reuben Saffold,  
 1833—John S. Hunter,  
 1835—Ezekiel Pickens,  
 1837—Ezekiel Pickens,  
 1843—Ezekiel Pickens,  
 1847—Nathaniel Cook.

*Judges.*

1850—Ezekiel Pickens.  
 1852—Nathaniel Cook,  
 1859—Nathaniel Cook,  
 1865—Francis Bugbee,  
 1866—George Goldthwaite,  
 1868—J. Q. Smith.

*Solicitors.*

1825—Henry Goldthwaite.  
 1828—Eli Terry,  
 1832—Jesse Beene,  
 1832—James B. Clarke,  
 1832—Henry C. Lea,  
 1837—John P. Graham,  
 1842—Thomas J. Judge,  
 1843—Franklin K. Beck.

*Solicitors.*

1848—Alexander B. Forney,  
 1848—Milton J. Saffold,  
 1850—James A. Stallworth,  
 1855—C. C. Pegues,  
 1859—R. Gaillard,  
 1865—Elmore J. Fitzpatrick,  
 1866—Elmore J. Fitzpatrick

## THIRD CIRCUIT.

*Judges.*

1819—Henry Y. Webb,  
 1823—John Gayle, Jr.,  
 1825—John Gayle, Jr.,  
 1827—Eli Shortridge,  
 1830—Henry W. Collier,  
 1836—Peter Martin,  
 1837—Peter Martin,  
 1843—Peter Martin,  
 1843—Walker K. Baylor,  
 1844—Walker K. Baylor,

*Judges.*

1845—Lincoln Clark,  
 1845—George D. Shortridge,  
 1850—George D. Shortridge,  
 1855—Sydenham Moore,  
 1856—William S. Mudd,  
 1862—William S. Mudd,  
 1865—William S. Mudd,  
 1866—William S. Mudd,  
 1868—William S. Mudd.

*Solicitors.*

1819—Constantine Perkins,  
 1823—Constantine Perkins,\*  
 1848—William S. Mudd,  
 1852—William S. Mudd,  
 1856—Lucian V. B. Martin,  
 1856—Joseph C. Guild,

*Solicitors.*

1859—Benjamin Wheelan,  
 1860—Newbern H. Brown,  
 1864—Alberto Martin,  
 1865—James T. Leeper,  
 1865—Alberto Martin.

## FOURTH CIRCUIT.

*Judges.*

1819—Richard Ellis,  
 1825—John White,  
 1831—Joshua L. Martin,  
 1835—George Coalter,  
 1837—Daniel Coleman,

*Judges.*

1852—John E. Moore,  
 1858—John E. Moore,  
 1863—David P. Lewis,  
 1864—John D. Martin,  
 1864—William B. Wood,

\*During the interval between 1825 and 1848, the duties of Solicitor devolved on the Attorney-General.

*Judges.*

1813—Daniel Coleman,  
1847—Sidney C. Posey,  
1850—Leroy Pope Walker,

*Solicitors.*

1819—Peter Martin,  
1823—David Hubbard,  
1827—James Davis,  
1827—Joshua L. Martin,  
1833—William Richardson,  
1835—George S. Houston,  
1841—Edward A. O'Neal,  
1844—Richard W. Walker,  
1848—John S. Kennedy,

*Judges.*

1865—Sidney C. Posey,  
1866—William B. Wood,  
1868—James S. Clarke.

*Solicitors.*

1852—Jon S. Kennedy,  
1856—Nicholas Davis, Jr.,  
1859—S. A. M. Wood,  
1860—S. A. M. Wood,  
1863—Edward W. Parker,  
1864—Samuel M. Morrow,  
1865—Samuel M. Morrow,  
1866—Asa McAlexander.

FIFTH CIRCUIT.

*Judges.*

1819—Clement C. Clay,  
1823—Henry Minor,  
1825—John M. Taylor,  
1832—William I. Adair,  
1835—George W. Lane,  
1841—George W. Lane,

*Solicitors.*

1819—Joseph Eastland,  
1823—A. Hutchinson,  
1823—James G. Birney,\*  
1827—James M. White,  
1828—Charles Lewis,  
1832—William Acklin,  
1837—William Acklin, Jr.,

*Judges.*

1847—Thomas A. Walker,  
1850—Thomas A. Walker,  
1859—Smith D. Hale,  
1862—William J. Haralson,  
1865—William J. Haralson,  
1866—W. J. Haralson.

*Solicitors.*

1845—William O. Winston.  
1852—James M. Adams,  
1860—W. J. Haralson,  
1862—John B. Walden,  
1865—John B. Walden,  
1865—John B. Walden,  
1866—William M. Lowe.

SIXTH CIRCUIT.

*Judges.*

1821—Anderson Crenshaw,  
1825—Anderson Crenshaw,  
1833—Anderson Crenshaw,  
1836—Anderson Crenshaw,  
1839—John P. Booth,  
1843—John Bragg,  
1850—John Bragg,

*Solicitors.*

1821—Benjamin Fitzpatrick,  
1825—Benjamin Fitzpatrick,  
1829—William D. Pickett,  
1832—Charles Lewis,  
1837—John P. Booth,  
1839—Francis S. Jackson,  
1842—John Gill Shorter,  
1844—John Edmund Jones,

*Judges.*

1851—Lyman Gibbons,  
1852—Lyman Gibbons,  
1852—John A. Cuthbert,  
1858—Charles W. Rapier,  
1865—Charles W. Rapier,  
1868—John Elliot.

*Solicitors.*

1847—William H. Platt,  
1851—Decatur C. Anderson,  
1855—Robert B. Armstead,  
1859—Alpheus Hurltel,  
1860—Leonard T. Summers,  
1862—James Bond,  
1866—George W. Bond.

SEVENTH CIRCUIT.

*Judges.*

1828—Sion L. Perry,  
1833—Samuel Chapman,  
1836—Samuel Chapman,

*Judges.*

1853—Turner Reavis,  
1854—Alex. B. Clitherall,  
1854—E. W. Pettus,

\*Mr. Birney afterward removed to the State of New York, and was the first candidate brought forward by the Abolitionists, as a party, for President of the United States in 1844, when he received about 52,000 votes, including enough Whigs to lose the State to Mr. Clay, and defeat his election.

*Judges.*

1837—Samuel Chapman,  
 1843—Samuel Chapman,  
 1849—Samuel Chapman,  
 1850—William R. Smith,  
 1851—Turner Reavis,  
 1852—Bakus W. Huntington,

*Solicitors.*

1828—James Davis,  
 1833—John Rains,  
 1833—B. N. Glover,  
 1837—Gideon B. Frierson,  
 1841—Charles E. B. Strode,  
 1844—Edmund W. Pettus,  
 1849—Henry L. Ward,  
 1850—Daniel Coggin,

*Judges.*

1858—A. A. Coleman,  
 1864—A. A. Coleman,  
 1865—James Cobbs,  
 1866—James Cobbs,  
 1868—Luther R. Smith.

*Solicitors.*

1852—Edmund W. Pettus,  
 1854—Alfred E. Vanhoose,  
 1858—Alfred E. Vanhoose,  
 1860—B. G. Ramsey,  
 1864—Samuel P. Jones,  
 1865—Francis P. Snedecor,  
 1866—Thomas W. Coleman.

## EIGHTH CIRCUIT.

*Judges.*

1833—John W. Paul,  
 1836—William D. Pickett,  
 1837—William D. Pickett,  
 1838—Abram Martin,  
 1843—George Goldthwaite,  
 1850—George Goldthwaite,  
 1852—John Gill Shorter,

*Solicitors.*

1838—James E. Belser,  
 1841—Sampson W. Harris,  
 1843—Marion A. Baldwin,  
 1860—James M. Arrington,

*Judges.*

1858—John Gill Shorter,  
 1861—John Cochran,  
 1862—John Cochran,  
 1865—J. McCaleb Wiley,  
 1866—Henry D. Clayton,  
 1868—J. McCaleb Wiley,

*Solicitors.*

1864—James M. Arrington,  
 1865—J. H. Gardner,  
 1866—James M. Arrington.

## NINTH CIRCUIT.

*Judges.*

1836—Eli Shorthridge,  
 1843—George W. Stone,  
 1849—John J. Woodward,  
 1850—Robert Dougherty,  
 1856—Robert Dougherty,

*Solicitors.*

1836—Thomas A. Walker,  
 1839—William B. Martin,  
 1841—Thomas Gray Garrett,  
 1845—Thomas Gray Garrett,  
 1849—Johnson J. Hooper,  
 1853—John J. Woodward,

*Judges.*

1862—Robert Dougherty,  
 1865—Robert Dougherty,  
 1866—Robert Dougherty,  
 1868—Littlebury Strange.

*Solicitors.*

1857—John J. Woodward,  
 1860—John G. Stokes,  
 1863—Joseph R. McDonald,  
 1865—Joseph R. McDonald,  
 1866—Joseph R. McDonald.

## TENTH CIRCUIT.

*Judges.*

1840—Benjamin F. Porter,  
 1840—William Hale,  
 1841—Edward S. Dargan,  
 1842—John Bragg,

*Solicitors.*

1840—Percy Walker,  
 1861—John H. Caldwell,  
 1865—John H. Caldwell,

*Judges.*

1862—John T. Heffin,  
 1865—William H. Smith,  
 1866—John Henderson,  
 1868—Charles Pelham.

*Solicitors.*

1865—John W. Bishop,  
 1866—John H. Caldwell,

## ELEVENTH CIRCUIT.

*Judges.*

1860—John K. Henry,  
1865—J. K. Henry,  
1866—John K. Henry,

*Judges.*

1868—Benjamin F. Porter,  
1868—Philomen O. Harper.

*Solicitors.*

1860—Reginald H. Dawson,  
1864—Reginald H. Dawson,

*Solicitors.*

1865—M. C. Lane,  
1866—W. B. H. Howard.

## TWELFTH CIRCUIT.

*Judges.*

1867—Burwell T. Pope,  
1868—W. L. Whitlock.

NOTE.—The date annexed to each name of the Judges and Solicitors indicates the year the commission was issued. The Circuits were often changed by adding or detaching counties, and for many years the Tenth Circuit was absorbed altogether, until it was revived in 1862. After 1866 the office of Solicitor in the Circuits was discontinued, leaving prosecutions in behalf of the State to be conducted by the County Solicitors.

## NORTHERN DIVISION.

*Chancellors.*

1839—E. Woolsey Peck,  
1839—Alexander Bowie,  
1845—David G. Ligon,  
1851—Eggleston D. Towns,  
1852—Eggleston D. Towns,

*Chancellors.*

1853—A. J. Walker,  
1855—John Foster,  
1865—John Foster,  
1866—S. K. McSpadden,  
1868—William Skinner.

## MIDDLE DIVISION.

*Chancellors.*

1841—Joshua L. Martin,  
1845—James B. Clarke,  
1845—Wylie W. Mason,  
1852—James B. Clarke,  
1863—William M. Byrd,

*Chancellors.*

1863—John R. John,  
1865—W. H. Fellows,  
1865—J. D. Loomis,  
1868—William B. Woods.

## SOUTHERN DIVISION.

*Chancellors.*

1839—Anderson Crenshaw,  
1845—Anderson Crenshaw.  
1847—Joseph Lesene,  
1849—Joseph Lesene,  
1853—Joseph P. Saffold,  
1868—B. B. McCraw, Chancellor Eastern Division.  
1868—A. W. Dillard, Chancellor Western Division.

*Chancellors.*

1853—Wade Keyes,  
1856—N. W. Cocke,  
1861—N. W. Cocke,  
1865—N. W. Cocke,  
1868—Adam C. Felder.

## ATTORNEY-GENERALS.

1819—Henry Hitchcock,  
1823—Thomas White,  
1827—Constantine Perkins,  
1831—Peter Martin,  
1835—Peter Martin,  
1836—Alexander B. Meek,  
1836—John D. Phelan,  
1839—Lincoln Clark,  
1839—Matthew W. Lindsay,

1843—Thomas D. Clarke,  
1847—William H. Martin,  
1847—Marion A. Baldwin,  
1851—Marion A. Baldwin,  
1855—Marion A. Baldwin,  
1859—Marion A. Baldwin,  
1865—John W. A. Sanford,  
1868—Joshua Morse,  
1870—John W. A. Sanford.

NOTE.—For many years, the law required the Attorney-General to act as Solicitor for the Circuit in which the Seat of Government was located.

## V. ROLL OF ATTORNEYS, IN 1845.

[Names in *italics* signify Judges of the County Court, and those in SMALL CAPITALS, that the gentlemen had been, or were subsequently, Judges of the Supreme Court.]

As a portion of the chronicle of the times, it is believed that the names of members of the Bar in Alabama, as shown by the first roll ever published in the State, will be acceptable to readers generally. In Congress, and in State legislation, besides the judicial department, lawyers have always been prominent actors, as peculiarly qualified by their professional training and experience, for such employments.

It is proper to say that the roll here given is arranged from that published in the "Supplement to the Monitor," of November 1, 1845, containing about six hundred names. The Judiciary then consisted—

## SUPREME COURT.

Hon. Henry W. Collier, of Tuscaloosa, Chief-Justice;  
 Hon. John J. Ormond, of Tuscaloosa, Associate-Justice;  
 Hon. Henry Goldthwaite, of Mobile, Associate-Justice;  
 James B. Wallace, of Tuscaloosa, Clerk;  
 Thomas D. Clarke, of Tuscaloosa, Attorney-General.

## CHANCELLORS.

Anderson Crenshaw, of Butler, Southern Division;  
 James B. Clarke, of Greene, Middle Division;  
 Alexander Bowie, of Talladega, Northern Division.

## CIRCUIT COURTS.

*Judges.*

1. JOHN D. PHELAN,
2. Ezekiel Pickens,
3. Lincoln Clark,
4. DANIEL COLEMAN,
5. George W. Lane,
6. John Bragg,
7. Samuel Chapman,
8. GEORGE GOLDTHWAITE,
9. GEORGE W. STONE.

*Solicitors.*

William M. Brooks,  
 Franklin K. Beck,  
 Thomas D. Clarke, A. G.  
 RICHARD W. WALKER,  
 William O. Winston,  
 John E. Jones,  
 Edmund W. Pettus,  
 Marion A. Baldwin,  
 Thomas G. Garrett.

## UNITED STATES COURTS.

Hon. John McKinley, of Florence, Judge of the Circuit Court, sitting at Mobile.  
 Hon. William Crawford, of St. Stephens, Judge of the District Court, sitting at Huntsville, for the Northern District, B. F. Moore, Clerk; at Tuscaloosa, for the Middle District, Albert G. Gooch, Clerk; and at Mobile, for the Southern District, John Fitts, Clerk.  
 William Armistead, of Greene, Marshal of the State.

## ATTORNEYS-AT-LAW, 1845.

| <i>Names.</i>       | <i>Towns.</i> | <i>Counties.</i> |
|---------------------|---------------|------------------|
| Adams, James M.     | Warrenton,    | Marshall.        |
| Adams, John T.      | Mobile,       | Mobile.          |
| Adams, Spencer      | (Country),    | Marengo.         |
| Aikin, John G.      | Mobile,       | Mobile.          |
| Alford, Julius C.   | Tuskegee,     | Macon.           |
| Allison, Paschal A. | Lafayette,    | Chambers.        |
| Anderson, D. C.     | Demopolis,    | Marengo.         |
| Anderson, J. S.     | C. H.,        | Clarke.          |
| Armstrong, Robert   | Tuscumbia,    | Franklin.        |

|                         |                 |             |
|-------------------------|-----------------|-------------|
| Armstrong, ——           | Lebanon,        | DeKalb.     |
| Ashurst, Merrill        | Montgomery,     | Montgomery. |
| Askew, John H.          | Salem,          | Russell.    |
| Bagley, Nathan C.       | Elyton,         | Jefferson.  |
| Bailey, W.              | Tompkinsville,  | Sumter.     |
| Bailey, James F.        | Marion,         | Perry.      |
| Baker, Lambert J.       | Jasper,         | Walker.     |
| Baker, James N.         | Florence,       | Lauderdale. |
| Baldwin, Frederick      | Mobile,         | Mobile.     |
| Baldwin, Marion A.      | Montgomery,     | Montgomery. |
| Baldwin, Joseph G.      | Gainesville,    | Sumter.     |
| Baldwin, Drury          | Camden,         | Wilcox.     |
| Ball, George C.         | Montgomery,     | Montgomery. |
| Barclay, Thomas M.      | Warrenton,      | Marshall.   |
| Barkley, James S.       | Claiborne,      | Monroe.     |
| Barnes, William H.      | Dadeville,      | Tallapoosa. |
| <i>Barry, George L.</i> | Eufaula,        | Barbour.    |
| Baugh, Robert           | Lafayette,      | Chambers.   |
| Beccher, J. T.          | Gainer's P. O., | Pike.       |
| Beck, Franklin K.       | Camden,         | Wilcox.     |
| Bell, Davis R.          | Hayneville,     | Lowndes.    |
| Bell, William A.        | Eutaw,          | Greene.     |
| Belser, James E.        | Montgomery,     | Montgomery. |
| Beman, Samuel           | Wetumpka,       | Coosa.      |
| Benners, Augustus       | Greensboro,     | Greene.     |
| Benners, Edward G.      | Mobile,         | Mobile.     |
| Benton, Joseph          | Wedowee,        | Randolph.   |
| Bethea, Tristram B.     | Camden,         | Wilcox.     |
| Betts, Thomas H.        | Sparta,         | Conecuh.    |
| Betts, E. G.            | Burnt Corn,     | Monroe.     |
| Bierne, George P.       | Huntsville,     | Madison.    |
| Blanton, Sanford P.     | Somerville,     | Morgan.     |
| Bliss, Jonathan         | Gainesville,    | Sumter.     |
| Blount, Frederick S.    | Gosport,        | Clarke.     |
| Bloeker, James Y.       | Mobile,         | Mobile.     |
| Bowles, Charles E.      | Mobile,         | Mobile.     |
| Powie, Alexander        | Talladega,      | Talladega.  |
| Bowdon, Franklin W.     | Talladega,      | Talladega.  |
| Breedin, B. B.          | Mobile,         | Mobile.     |
| Brickell, R.            | Athens,         | Limestone.  |
| Bridges, John W.        | Camden,         | Wilcox.     |
| Brevard, T. W.          | Tuskegee,       | Macon.      |
| Broccus, Perry E.       | Florence,       | Lauderdale. |
| Brock, James T.         | Lafayette,      | Chambers.   |
| <i>Brown, Henley</i>    | Kingston,       | Autauga.    |
| Brown, Edward           | Carrollton,     | Pickens.    |
| Brooks, William M.      | Linden,         | Marengo.    |
| Bolling, James M.       | Hayneville,     | Lowndes.    |
| Booth, Jerome A.        | Eufaula,        | Barbour.    |
| Bryan, William J.       | Jasper,         | Walker.     |
| Bryson, E. E.           | Talladega,      | Talladega.  |
| Bugbee, Francis         | Montgomery,     | Montgomery. |
| Buford, Jefferson       | Eufaula,        | Barbour.    |
| Buckalew, W. C.         | Dudleyville,    | Tallapoosa. |
| Bullock, E.             | Mobile,         | Mobile.     |
| Burr, William S.        | Selma,          | Dallas.     |
| Byrd, William           | Tompkinsville,  | Sumter.     |
| BYRD, WILLIAM M.        | Chawba,         | Dallas.     |
| <i>Byrne, Peter E.</i>  | Blakely,        | Chadwin.    |
| Cain, William L.        | Cedar Bluff,    | Cherokee.   |

|                          |               |             |
|--------------------------|---------------|-------------|
| Calhoun, John A.         | Eufaula,      | Barbour.    |
| Cabiness, S. D.          | Huntsville,   | Madison.    |
| Campbell, John A.        | Mobile,       | Mobile.     |
| Campbell, James A.       | Jacksonville, | Benton.     |
| Carlton, Montgomery      | Livingston,   | Sumter.     |
| Carson, J. W. B.         | Hayneville,   | Lowndes.    |
| Cattalin, S. E.          | Mt. Sterling, | Washington. |
| Chambers, John           | Mobile,       | Mobile.     |
| Chamberlayne, Henry      | Mobile,       | Mobile.     |
| Chamberlayne, R. R.      | Cahawba,      | Dallas.     |
| Chandler, Daniel         | Mobile,       | Mobile.     |
| Chapman, Simeon J.       | Eutaw,        | Greene.     |
| Cherry, Robert M.        | Montgomery,   | Montgomery. |
| Chilton, Thomas          | Marion,       | Perry.      |
| CHILTON, WILLIAM P.      | Talladega,    | Talladega.  |
| Childress, J. W. L.      | Mobile,       | Mobile.     |
| Chisolm, George          | Montgomery,   | Montgomery. |
| Clancey, John E.         | Jasper,       | Walker.     |
| Clarke, Thomas D.        | Tuskaloosa,   | Tuskaloosa. |
| Clarke, William E.       | Linden,       | Marengo.    |
| Clarke, Philip T.        | Warrenton,    | Marshall.   |
| Clarke, ———              | Carrollton,   | Pickens.    |
| CLAY, CLEMENT C.         | Huntsville,   | Madison.    |
| Clay, Clement C., Jr.    | Huntsville,   | Madison.    |
| Clay, J. Withers         | Huntsville,   | Madison.    |
| Clay, H. L.              | Tuscumbia,    | Franklin.   |
| Clitherall, Alexander B. | Pickensville, | Pickens.    |
| Clyde, Robert T.         | Tuskaloosa,   | Tuskaloosa. |
| Crabb, George W.         | Mobile,       | Mobile.     |
| Crawford, Hugh N.        | Eufaula,      | Barbour.    |
| Crawford, Lorman         | Mt. Pleasant, | Monroe.     |
| Crawford, Thomas P.      | Pickensville, | Pickens.    |
| Craig, James D.          | Cahawba,      | Dallas.     |
| Crenshaw, Walter H.      | Manningham,   | Butler.     |
| Crommelin, Charles       | Montgomery,   | Montgomery. |
| Cochran, John            | Jacksonville, | Benton.     |
| Cochran, S. George       | Camden,       | Wilcox.     |
| Cochran, William         | Tukaloosa,    | Tuskaloosa. |
| Coggin, Daniel           | Cahawba,      | Dallas.     |
| Cocke, N. W.             | Tuskegee,     | Macon.      |
| Colclough, Richard A.    | Montgomery,   | Montgomery. |
| Colclough, Bagenal       | Montgomery,   | Montgomery. |
| Coleman, Perez           | Montgomery,   | Montgomery. |
| Coleman, Walter L.       | Montgomery,   | Montgomery. |
| Coleman, Wiley           | Eutaw,        | Greene.     |
| Cone, Horace             | Cahawba,      | Dallas.     |
| Conway, George           | Mobile,       | Mobile.     |
| Conway, T. Howard        | Mobile,       | Mobile.     |
| Cook, Lemuel             | Russellville, | Franklin.   |
| Cook, Nathaniel          | Hayneville,   | Lowndes.    |
| Cook, Philip H.          | Hayneville,   | Lowndes.    |
| Cook, Jesse H.           | Camden,       | Wilcox.     |
| Cook, William B.         | Tuscumbia,    | Franklin.   |
| Cooper, Aaron B.         | Claiborne,    | Monroe.     |
| Cooper, Thomas B.        | Cedar Bluff,  | Cherokee.   |
| Cooper, Lydan B.         | Tuscumbia,    | Franklin.   |
| Cooper, William          | Tuscumbia,    | Franklin.   |
| Cox, George S.           | Montgomery,   | Montgomery. |
| Cox, W. H.               | Rockford,     | Coosa.      |
| Crocker, E. Alphonso     | Russellville, | Franklin.   |

|                           |                |             |
|---------------------------|----------------|-------------|
| Crook, James              | Marion,        | Perry.      |
| Cumming, J. S.            | Monroeville,   | Monroe.     |
| Cushman, Ira              | Geneva,        | Coffee.     |
| <i>Cuthbert, John A.</i>  | Mobile,        | Mobile.     |
| Cuthbert, John C.         | Mobile,        | Mobile.     |
| Dansby, Isaac             | Dayton,        | Marengo.    |
| Dansby, Isham             | Tompkinsville, | Sumter.     |
| DARGAN, EDWARD S.         | Mobile,        | Mobile.     |
| Davis, David E.           | Maplesville,   | Bibb.       |
| Davis, Hugh               | Marion,        | Perry.      |
| Dawson, L. E.             | Warrenton,     | Dallas.     |
| Dear, Charles             | Camden,        | Wilcox.     |
| Deas, James               | Mobile,        | Mobile.     |
| Defreese, Bagnell L.      | Centreville,   | Bibb.       |
| Dellet, James             | Claiborne,     | Monroe.     |
| Denmard, Benjamin F.      | Crawford,      | Russell.    |
| Dill, Josiah              | Huntsville,    | Madison.    |
| Dillahunt, Harvey         | Florence,      | Lauderdale. |
| Dougherty, Robert         | Tuskegee,      | Macon.      |
| Douthett, Herbert P.      | Tuskaloosa,    | Tuskaloosa. |
| Downman, Robert L.        | Selma,         | Dallas.     |
| Duncan, Bryan             | Crawford,      | Russell.    |
| Dunn, William D.          | Mobile,        | Mobile.     |
| Eastburn, J. E.           | Mobile,        | Mobile.     |
| Easton, William C.        | Mobile,        | Mobile.     |
| Earnest, William S.       | Elyton,        | Jefferson.  |
| Edwards, Charles G.       | Cahawba,       | Dallas.     |
| Eiland, Allen             | Midway,        | Barbour.    |
| Eldridge, G. M.           | Church-Hill,   | Lowndes.    |
| Elmore, John A.           | Montgomery,    | Montgomery. |
| Elmore, P. R.             | Montgomery,    | Montgomery. |
| Erwin, John               | Greensboro,    | Greene.     |
| Estill, William H.        | Jacksonville,  | Butler.     |
| Evans, George R.          | Cahawba,       | Dallas.     |
| Everett, Horace, Jr.      | Gainesville,   | Sumter.     |
| Fair, Elisha Y.           | Montgomery,    | Montgomery. |
| Fambro, William W.        | Cahawba,       | Dallas.     |
| Felder, Adam C.           | Montgomery,    | Montgomery. |
| Fellows, William H.       | Selma,         | Dallas.     |
| Fields, D. Wallace,       | Livingston,    | Sumter.     |
| Fisher, S. Griffith       | Mobile,        | Mobile.     |
| Fitzpatrick, B.           | Troy,          | Pike.       |
| <i>Forbes, Clement C.</i> | LaFayette,     | Chambers.   |
| Forney, Alexander B.      | Hayneville,    | Lowndes.    |
| Forney, Daniel P.         | Jacksonville,  | Benton.     |
| Fleming, J. A.            | Ashville,      | St. Clair.  |
| Forrest, John F.          | Elyton,        | Jefferson.  |
| Foster, G. E. W.          | (Country),     | Tuskaloosa. |
| Fox, Addison              | Mobile,        | Mobile.     |
| Frairy, W. R.             | Mobile,        | Mobile.     |
| Frazier, Micajah,         | Sumterville,   | Sumter.     |
| Freeman, O. K.            | Tuskegee,      | Macon.      |
| Frierson, Gideon B.       | Livingston,    | Sumter.     |
| Gaillard, R.              | Claiborne,     | Monroe.     |
| Garrett, Thomas Gray,     | Talladega,     | Talladega.  |
| Garrott, Isham W.         | Marion,        | Perry.      |
| Garrow, William M.        | Mobile,        | Mobile.     |
| Garvin, Robert M.         | (Country),     | Tuskaloosa, |
| Gayle, John               | Mobile,        | Mobile.     |
| Gayle, George W.          | Selma,         | Dallas.     |

|                          |                |             |
|--------------------------|----------------|-------------|
| Gayle, William W.        | Cahawba,       | Dallas.     |
| Gates, Alexander R.      | Livingston,    | Sumter.     |
| Gibbs, C. R.             | Columbiana,    | Shelby.     |
| GIBBONS, LYMAN           | Mobile,        | Mobile.     |
| Gilchrist, Archibald     | Hayneville,    | Lowndes.    |
| Gilchrist, James G.      | Hayneville,    | Lowndes.    |
| <i>Gilkey, L. A.</i>     | Carrollton,    | Pickens.    |
| Gillies, Calvin          | Sparta,        | Conceh.     |
| Gillespie, Jacob         | Lebanon,       | DeKalb.     |
| Graham, James W.         | Wetumpka,      | Coosa.      |
| Graham, N. Smith         | Wetumpka,      | Coosa.      |
| Graham, John A.          | Rockford,      | Coosa.      |
| Graham, Alexander        | Eutaw,         | Greene.     |
| <i>Graham, John P.</i>   | Marion,        | Perry.      |
| Graham, Alexander        | Marion,        | Perry.      |
| Grasty, George S.        | Columbiana,    | Shelby.     |
| Gray, Joshua             | Monroeville,   | Monroe.     |
| Green, William Harrison  | Livingston,    | Sumter.     |
| Greene, Thomas           | Sparta,        | Conceh.     |
| <i>Green, James M.</i>   | Belleforte,    | Jackson.    |
| <i>Gresham, Leroy</i>    | Dadeville,     | Tallapoosa. |
| Glover, Philip S.        | Livingston,    | Sumter.     |
| Goldthwaite, John R.     | Troy,          | Pike.       |
| Goodloc, Benjamin F.     | Sparta,        | Conceh.     |
| Goodwin, George J.       | Tompkinsville, | Sumter.     |
| Goodman, Benjamin L.     | Lafayette,     | Chambers.   |
| Gorce, John R.           | Marion,        | Perry.      |
| Guinn, James W.          | Wedowee,       | Randolph.   |
| Gunn, G. W.              | Tuskegee,      | Macon.      |
| Hair, James              | Livingston,    | Sumter.     |
| Hale, Samuel A.          | Tuskaloosa,    | Tuskaloosa. |
| Hale, Stephen P.         | Eutaw,         | Greene.     |
| Hall, Daniel E.          | Mobile,        | Mobile.     |
| Hamilton, W. R.          | Suggsville,    | Clarke.     |
| Hamilton, Samuel         | Troy,          | Pike.       |
| Hamilton, Alexander J.   | Wedowee,       | Randolph.   |
| Hamilton, Peter          | Mobile,        | Mobile.     |
| Hamilton, Thomas A.      | Mobile,        | Mobile.     |
| Hancock, John A.         | Belleforte,    | Jackson.    |
| Harbin, D. S.            | Hayneville,    | Lowndes.    |
| Hardy, James M.          | Collerene,     | Lowndes.    |
| Harris, Sampson W.       | Wetumpka,      | Coosa.      |
| Harris, Stephen W.       | Courtland,     | Lawrence.   |
| Harris, Nathan           | Montgomery,    | Montgomery. |
| Harris, Walter B.        | Girard,        | Russell.    |
| Harvey, John G.          | Greensboro,    | Greene.     |
| Harvey, William P.       | C. H.,         | Fayette.    |
| Hayne, Isaac W.          | Montgomery,    | Montgomery. |
| Hefflin, John T.         | Wedowee,       | Randolph.   |
| Hefflin, Robert S.       | Wedowee,       | Randolph.   |
| Hemphill, Hiram          | Eufaula,       | Barbour.    |
| Henley, John W.          | Demopolis,     | Marengo.    |
| Henry, John K.           | Greenville,    | Butler.     |
| <i>Henry, William C.</i> | Centreville,   | Bibb.       |
| Heydenfeldt, Solomon     | Crawford,      | Russell.    |
| Heydenfeldt, Elcan       | Dadeville,     | Tallapoosa. |
| Hill, James T.           | Livingston,    | Sumter.     |
| Hill, Pleasant           | Centreville,   | Bibb.       |
| Hilliard, Henry W.       | Montgomery,    | Montgomery. |
| Hines, William A.        | Marion,        | Perry.      |

|                           |                |             |
|---------------------------|----------------|-------------|
| Hinton, Samuel S.         | Cedar Bluff,   | Cherokee.   |
| Hitchcock, John A.        | Mobile,        | Mobile.     |
| Hodge, Robert C.          | Marion,        | Perry.      |
| Hoit, Isaiah D.           | Livingston,    | Sumter.     |
| Hoit, Moses F.            | Livingston,    | Sumter.     |
| Holman, J. T.             | Prairie Bluff, | Wilcox.     |
| Holcombe, H. L.           | Selma,         | Dallas.     |
| HOPKINS, ARTHUR F.        | Tuskaloosa,    | Tuskaloosa. |
| Horne, Alexander G.       | Livingston,    | Sumter.     |
| Hood, John R.             | Cahawba,       | Dallas.     |
| Hooper, George D.         | Lafayette,     | Chambers.   |
| Hoskins, James W.         | Marion,        | Perry.      |
| Houghton, Frederick B.    | Troy,          | Pike.       |
| <i>Houston, Samuel S.</i> | Barrytown,     | Washington. |
| Howard, W. B. H.          | Claiborne,     | Monroe.     |
| Hudson, C. D.             | Bacon Level,   | Randolph.   |
| Hudson, Isaac             | Greensboro,    | Greene.     |
| Huckabee, Robert D.       | Greensboro,    | Greene.     |
| Humphreys, D. C.          | Decatur,       | Morgan.     |
| Hunter, Erwin             | Sparta,        | Conecuh.    |
| Hunter, William           | Cahawba,       | Dallas.     |
| Huntington, Backus W.     | Tuskaloosa,    | Tuskaloosa. |
| Hutchinson, Joseph J.     | Montgomery,    | Montgomery. |
| Inge, Robert S.           | Livingston,    | Sumter.     |
| Inge, Samuel W.           | Livingston,    | Sumter.     |
| Irwin, James              | Florence,      | Lauderdale. |
| Irwin, James              | Warrenton,     | Marshall.   |
| Jackson, Francis S.       | Montgomery,    | Montgomery. |
| Jenkins, Joseph D.        | Camden,        | Wilcox.     |
| Jewett, O. S.             | Mobile,        | Mobile.     |
| John, Joseph R.           | Union Town,    | Perry.      |
| <i>Johnson, John F.</i>   | Greenville,    | Butler.     |
| Johnson, Robert T.        | Pickensville,  | Pickens.    |
| Johnson, Richard T.       | Troy,          | Pike.       |
| Johnson, James J.         | Camden,        | Wilcox.     |
| Johnson, Francis          | Camden,        | Wilcox.     |
| Jones, Augustus W.        | Sparta,        | Conecuh.    |
| Jones, Elliott P.         | C. H.,         | Fayette.    |
| Jones, Egbert B.          | Athens,        | Limestone.  |
| Jones, Jesse R.           | Kingston,      | Autauga.    |
| Jones, Josiah             | Andalusia,     | Covington.  |
| Jones, Henry C.           | Russellville,  | Franklin.   |
| Jones, L. M.              | Tuskegee,      | Macon.      |
| Jones, S.                 | Union Springs, | Macon.      |
| Jones, E. B.              | Claiborne,     | Monroe.     |
| Jones, John Edmund        | Mobile,        | Mobile.     |
| Jones, William G.         | Mobile,        | Mobile.     |
| Jones, Charles L. S.      | Tompkinsville, | Sumter.     |
| Jones, Tignal W.          | Talladega,     | Talladega.  |
| Jones, Francis H.         | Courtland,     | Lawrence.   |
| Judge, Hilliard M.        | Eutaw,         | Greene.     |
| JUDGE, THOMAS J.          | Hayneville.    | Lowndes.    |
| Keller, Thomas            | Tuscumbia,     | Franklin.   |
| Kemp, Thomas M.           | Girard,        | Russell.    |
| Kenan, Daniel L.          | Selma,         | Dallas.     |
| Kendall, Thaddeus B.      | Sumterville,   | Sumter.     |
| Kendrick, J. J.           | Geneva,        | Coffee.     |
| Kennedy, Lewis            | Wetumpka,      | Coosa.      |
| Kennedy, John S.          | Florence,      | Lauderdale. |
| Keyes, W.                 | Athens,        | Limestone.  |
| King, Alfred B.           | Marion,        | Perry.      |
| King, Edwin P.            | Marion,        | Perry.      |

|                            |                |             |
|----------------------------|----------------|-------------|
| King, John                 | Linden,        | Marengo.    |
| Kirksey, Cicero L.         | Linden,        | Marengo.    |
| Knox, W. W.                | Talladega,     | Talladega.  |
| <i>Kyle, W. S.</i>         | Wetumpka,      | Coosa.      |
| Lubuzan, Bartholemew       | Mobile,        | Mobile.     |
| Lacy, Robert               | Elyton,        | Jefferson.  |
| Landsdell, B. C.           | Abbeville,     | Henry.      |
| Lapsley, John W.           | Selma,         | Dallas.     |
| Lapsley, William           | Selma,         | Dallas.     |
| Lavison, A.                | Mobile,        | Mobile.     |
| Lawrence, Oliver J.        | Gainesville,   | Sumter.     |
| Lawson, Pinckney B.        | Marion,        | Perry.      |
| Leachman, Robert           | Eutaw,         | Greene.     |
| Lea, Henry C.              | Marion,        | Perry.      |
| Lee, Columbus W.           | Union-Town,    | Perry.      |
| Leftwich, John T.          | Dadeville,     | Tallapoosa. |
| Lenoir, Isaac W.           | Cahawba,       | Dallas.     |
| Lesene, Joseph W.          | Mobile,        | Mobile.     |
| Leslie, W. P.              | Claiborne,     | Monroe.     |
| <i>Lewis, James,</i>       | Jacksonville,  | Benton.     |
| Lewis, Charles             | Jacksonville,  | Benton.     |
| Lewis, Robert S.           | Marion,        | Perry.      |
| Lewis, David P.            | Moulton,       | Lawrence.   |
| <i>Lewis, Ulysses</i>      | Crawford,      | Russell.    |
| LIGON, DAVID G.            | Moulton,       | Lawrence.   |
| Ligon, Wilson G.           | Abbeville,     | Henry.      |
| Likens, Thomas M.          | Wedowee,       | Randolph.   |
| Lindsay, George F.         | Mobile,        | Mobile.     |
| Lockett, Napoleon          | Marion,        | Perry.      |
| Lockhart, John             | Marion,        | Perry.      |
| Lockwood, E.               | Mobile,        | Mobile.     |
| Loftin, Albert G.          | Livingston,    | Sumter.     |
| Lomax, John T.             | Demopolis,     | Marengo.    |
| Lomax, Tenant              | Eufaula,       | Barbour.    |
| Lowrie, J. T.              | Cedar Bluff,   | Cherokee.   |
| Lyle, Matthew A.           | Dadeville,     | Tallapoosa. |
| Lynch, William E.          | Kingston,      | Autauga.    |
| Lyon, Francis S.           | Demopolis,     | Marengo.    |
| Lyon, Francis H.           | Demopolis,     | Marengo.    |
| Lyon, George G.            | Demopolis,     | Marengo.    |
| Lyon, John                 | Turnbull,      | Monroe.     |
| Maclin, W. J.              | Talladega,     | Talladega.  |
| Malone, J. W.              | Athens,        | Limestone.  |
| Marrast, Jennings F.       | C. H.          | Fayette.    |
| Marks, Edward W.           | Selma,         | Dallas.     |
| Martin, Abram              | Montgomery,    | Montgomery. |
| Martin, J. H.              | Jacksonville,  | Benton.     |
| Martin, William B.         | Jacksonville,  | Benton.     |
| Martin, Peter              | Tuskaloosa,    | Tuskaloosa. |
| Martin, Edward W.          | Hayneville,    | Lowndes.    |
| Manning, Amos R.           | Demopolis,     | Marengo.    |
| <i>Manning, William H.</i> | Troy,          | Pike.       |
| Massey, George P.          | Marion,        | Perry.      |
| May, William R.            | Missouri P. O. | Pike.       |
| <i>May, Washington T.</i>  | Warrenton,     | Marshall.   |
| <i>Mays, Thomas S.</i>     | Montgomery,    | Montgomery. |
| McAfee, G. T.              | Talladega,     | Talladega.  |
| McClanahan, J. M.          | Columbiana,    | Shelby.     |
| McClung, James W.          | Huntsville,    | Madison.    |
| McCrahan, Charles P.       | Tuskaloosa,    | Tuskaloosa. |
| McDonald, W. E.            | Cedar Bluff,   | Cherokee.   |
| McElvaine, ———             | Tuskaloosa,    | Tuskaloosa. |

|                        |                 |             |
|------------------------|-----------------|-------------|
| McGehee, John W.       | Union Town,     | Perry.      |
| McGregor, Henry L.     | LaFayette,      | Chambers.   |
| McConnico, C. R.       | Greensboro,     | Greene.     |
| McConnico, C.          | Livingston,     | Sumter.     |
| McKeller, J. D. W.     | Warrenton,      | Dallas.     |
| McKinstry, Alexander   | Mobile,         | Mobile.     |
| McLester, W. W.        | Tuskegee,       | Macon.      |
| McMahon, William P.    | Courtland,      | Lawrence.   |
| McMillan, Neill A.     | Prarie Bluff,   | Wilcox.     |
| McReynolds, John       | Camden,         | Wilcox.     |
| Merrill, Allen R.      | Eufaula,        | Barbour.    |
| Meredith, Reuben A.    | Gainesville,    | Sumter.     |
| Metcalf, Jacob R.      | Gainesville,    | Sumter.     |
| Millener, William H.   | Summerville,    | Morgan.     |
| Minniece, John A.      | Gainesville,    | Sumter.     |
| Mitchell, Robert       | LaFayette,      | Chambers.   |
| Mitchell, P. H.        | Glennville,     | Barbour.    |
| Moody, Washington      | Tuskaloosa,     | Tuskaloosa. |
| Montgomery, H.         | Arbecoochee,    | Randolph.   |
| Morris, W. W.          | Rockford,       | Coosa.      |
| Morrisette, John       | Bell's Landing, | Monroe.     |
| Moore, Andrew B.       | Marion,         | Perry.      |
| Moore, B. F.           | Huntsville,     | Madison.    |
| Moore, James A.        | Greensboro,     | Greene.     |
| Moore, John            | Florence,       | Lauderdale. |
| Moore, Samuel B.       | Carrollton,     | Pickens.    |
| Moore, George F.       | Talladega.      | Talladega.  |
| Moore, S. D. J.        | Tuskaloosa,     | Tuskaloosa. |
| Moore, Sydenham        | Eutaw,          | Greene.     |
| Morgan, John T.        | Talladega,      | Talladega.  |
| Morton, James B.       | C. H.,          | Fayette.    |
| Mudd, William S.       | Elyton,         | Jefferson.  |
| Mundy, Reuben          | Benton,         | Lowndes.    |
| Murphy, Duncan W.      | Claiborne,      | Monroe.     |
| Murphy, William M.     | Greensboro,     | Greene.     |
| Nabors, Zachariah      | Carrollton,     | Pickens.    |
| Nash, Preston G.       | Livingston,     | Sumter.     |
| Nave, Jesse B.         | Marion,         | Coosa.      |
| Neal, David C.         | Wetumpka,       | Montgomery. |
| Nesbitt, Edward D.     | Montgomery,     | Randolph.   |
| Nicks, B. L.           | Wedowee,        | Perry.      |
| Nicholson, Andrew S.   | Union Town,     | Franklin.   |
| Nooe, John A.          | Tuscumbia,      | Franklin.   |
| Norman, Felix G.       | Tuscumbia,      | Macon.      |
| Nunnerly, William      | Auburn,         | Montgomery. |
| Ogbourne, William H.   | Montgomery,     | Mobile.     |
| Ogden, Samuel M.       | Mobile,         | Lauderdale. |
| O'Neal, Edward A.      | Florence,       | Dallas.     |
| Outlaw, Joseph W.      | Cahawba,        | Henry.      |
| Owens, H. F.           | Abbeville,      | Madison.    |
| PARSONS, SILAS         | Huntsville,     | Talladega.  |
| Parsons, Lewis E.      | Talladega,      | Butler.     |
| Palmer, David B.       | Greenville,     | Pike.       |
| Parke, James D.        | Troy,           | Talladega.  |
| Pearson, P. E.         | Talladega,      | Monroe.     |
| Pearson, Jacob         | Claiborne,      | Tallapoosa. |
| Pearson, James M.      | Dadeville,      | Tuskaloosa. |
| PECK, E. WOOLESEY      | Tuskaloosa,     | Dallas.     |
| Pegues, Christopher C. | Cahawba,        | Tuskaloosa. |
| Perkins, Claudius H.   | Tuskaloosa,     | Conecuh.    |
| Perryman, Alexander    | Sparta,         | Randolph.   |
| Perryman, F. M.        | Lamar,          |             |

|                       |                |             |
|-----------------------|----------------|-------------|
| PETERS, THOMAS M.     | Moulton,       | Lawrencé.   |
| Pettus, Edmund W.     | Gainesville,   | Sumter.     |
| Phelan, James         | Marion,        | Perry.      |
| Phelan, Joseph        | Tuskaloosa,    | Tuskaloosa. |
| Phillips, Matthew     | Lafayette,     | Chambers.   |
| Phillips, Philip      | Mobile,        | Mobile.     |
| Phillips, William S.  | Cahawba,       | Dallas.     |
| Phillips, Lawrence D. | Livingston,    | Sumter.     |
| <i>Phillpot, H.</i>   | Somerville,    | Morgan.     |
| Rhillpot, Benjamin A. | Somerville,    | Morgan.     |
| Pickett, ———          | Suggsville,    | Clarke.     |
| Pickett, Alexander C. | Somerville,    | Morgan.     |
| Pickett, Richard      | Moulton,       | Lawrence.   |
| Pierce, William F.    | Eutaw,         | Greene.     |
| Pinson, W.            | Tuskegee,      | Macon.      |
| Platt, William H.     | Mobile,        | Mobile.     |
| Pope, B. F.           | Ashville,      | St. Clair.  |
| Pope, S. L.           | Tuskegee,      | Macon.      |
| Porter, Benjamin F.   | Tuskaloosa,    | Tuskaloosa. |
| Portis, John W.       | Suggsville,    | Clarke.     |
| Posey, Sidney C.      | Florence,      | Lauderdale. |
| Priest, M.            | Moulton,       | Lawrence.   |
| Presly, A. M.         | Dadeville,     | Tallapoosa. |
| Probasco, Samuel W.   | Florence.      | Lauderdale. |
| Prince, Oliver H.     | Demopolis,     | Marengo.    |
| Powers, Joseph D.     | Barrytown,     | Washington. |
| Powers, Terrell       | C. H.          | Clarke.     |
| Price, James L.       | Union Town,    | Perry.      |
| Primrose, William D.  | Mobile,        | Mobile.     |
| Pritchett, Thomas P.  | Mobile,        | Mobile.     |
| Pryor, J. W.          | Montgomery,    | Montgomery. |
| Pryor, Luke           | Athens,        | Limestone.  |
| Pryor, Luke           | Decatur,       | Morgan.     |
| Pugh, James L.        | Eufaula,       | Barbour.    |
| Rapier, Charles W.    | Mobile,        | Mobile.     |
| Rather, John D.       | Somerville,    | Morgan.     |
| Reavis, Turner        | Gainesville,   | Sumter.     |
| Read, Alfred B.       | Girard,        | Russell.    |
| Rector, Thompson M.   | Bellefonte,    | Jackson.    |
| Reid, John C.         | Kingston,      | Autauga.    |
| Reese, James E.       | LaFayette,     | Chambers.   |
| Reese, Charles S.     | Crawford,      | Russell.    |
| <i>Reeves, John</i>   | Wedowee,       | Randolph.   |
| Reeves, Stephen       | Wedowee,       | Randolph.   |
| Reynolds, Bernard E.  | Warrenton,     | Dallas.     |
| Rice, Green P.        | Somerville,    | Morgan.     |
| RICE, SAMUEL F.       | Talladega,     | Talladega.  |
| <i>Rice, H. W. W.</i> | Talladega,     | Talladega.  |
| Rice, Jemison W.      | Clinton,       | Greene.     |
| Richards, Evan G.     | LaFayette,     | Chambers.   |
| Richardson, William   | Athens,        | Limestone.  |
| Ringgold, Thomas      | Linden,        | Marengo.    |
| Rist, Calvin          | Clayton,       | Barbour.    |
| Roach, J. J.          | Turnbull,      | Monroe.     |
| Robertson, John C.    | LaFayette,     | Chambers.   |
| Robertson, Lemuel B.  | LaFayette,     | Chambers.   |
| Robinson, Nelson      | Belleforte,    | Jackson.    |
| Rolston, John         | Mobile,        | Mobile.     |
| Rushing, James M.     | Bellmont,      | Sumter.     |
| SAFFOLD, REUBEN       | Pleasant Hill, | Dallas.     |
| <i>Saffold, A. J.</i> | Cahawba,       | Dallas.     |
| Saffold, Joseph B.    | Montgomery,    | Montgomery. |

Sale, John B.  
 Sallee, George F.  
*Sanders, John T.*  
 Sanders, Francis A.  
 Saunders, George B.  
 Sayre, P. T.  
 Sayre, E. Sanford  
 Sayre, Daniel  
 Saxon, Lydell B.  
 Seawell, Joseph  
 Seawell, Kiah B.  
 Seawell, William  
 Seibels, John J.  
 Scott, Louis M.  
 Scott, Robert T.  
 Scruggs, Henry F.  
 Sellers, Calvin C.  
 Sheaper, Thomas  
 Shearer, W. Waldo  
 Simmons, J. A.  
 Ship, Willis C.  
 Shorter, John Gill  
 Shorter, Eli S.  
 Shortridge, George D.  
 Showalter, John M.  
 Skinner, Cordy N.  
 Skinner, William  
 Smith, E. T.  
 Smith, William R.  
 Smith, Washington M.  
 Smith, Douglass  
 Smith, Nelson  
 Smith, Robert H.  
 Smith, Stephen U.  
 Smith, George F.  
 Smoot, Joseph  
 Smoot, Joseph H.  
 Snedcor, George C.  
 Spaight, Ashley W.  
 Spear, Charles A.  
 Spyker, B. H.  
 Stanly, Wright C.  
 Steiner, John G.  
 Steele, William J.  
 Sternes, Henry F.  
 Sterrett, Alphonso A.  
 Stewart, George N.  
 Stith, Henry  
 Storrs, Seth P.  
 Storrs, John S.  
 Stone, Charles  
 Stone, Louis M.  
 Strickland, Barnebas  
 Strickland, B.  
 Strambler, S. C.  
 Strode, Charles E. B.  
 Strother, Philip S. C.  
 Tackett, ———  
 Tannehill, Pleasant F.  
 Taylor, George

Moulton,  
 St. Stephen's,  
 Pikeville,  
 Cahawba,  
 Livingston,  
 Clayton,  
 Montgomery,  
 Talladega,  
 Wetumpka,  
 Mobile,  
 Mobile,  
 Selma,  
 Montgomery,  
 Gainesville,  
 Bellefonte,  
 Livingston,  
 Camden,  
 Blountsville,  
 Livingston,  
 Newton,  
 Bacon Level,  
 Eufaula,  
 Eufaula,  
 Montevallo,  
 Dayton,  
 Russellville,  
 Russellville,  
 Jacksonville,  
 C. H.,  
 Linden,  
 Mobile,  
 Carrollton,  
 Livingston,  
 Livingston,  
 Mt. Sterling,  
 Blakely,  
 Mobile,  
 Eutaw,  
 Cahawba,  
 Gaston,  
 Talladega,  
 Mobile,  
 Lafayette,  
 Gainesville,  
 Sparta,  
 Kingston,  
 Mobile,  
 Carrollton,  
 Wetumpka,  
 Montevallo,  
 Talladega,  
 Fairfield,  
 Wetumpka,  
 Burnsville,  
 Claiborne,  
 Livingston,  
 Livingston,  
 Warsaw,  
 Eutaw,  
 Wetumpka,

Lawrence.  
 Washington.  
 Marion.  
 Dallas.  
 Sumter.  
 Barbour.  
 Montgomery.  
 Talladega.  
 Coosa.  
 Mobile.  
 Mobile.  
 Dallas.  
 Montgomery.  
 Sumter.  
 Jackson.  
 Sumter.  
 Wilcox.  
 Blount.  
 Sumter.  
 Dale.  
 Randolph.  
 Barbour.  
 Barbour.  
 Shelby.  
 Marengo.  
 Franklin.  
 Franklin.  
 Benton.  
 Fayette.  
 Marengo.  
 Mobile.  
 Pickens.  
 Sumter.  
 Sumter.  
 Washington.  
 Baldwin.  
 Mobile.  
 Greene.  
 Dallas.  
 Sumter.  
 Talladega.  
 Mobile.  
 Chambers.  
 Sumter.  
 Conecuh.  
 Autauga.  
 Mobile.  
 Pickens.  
 Coosa.  
 Shelby.  
 Talladega.  
 Pickens.  
 Coosa.  
 Dallas.  
 Monroe.  
 Sumter.  
 Sumter.  
 Sumter.  
 Sumter.  
 Sumter.  
 Greene.  
 Coosa.

|                        |               |             |
|------------------------|---------------|-------------|
| Taylor, Joseph W.      | Eutaw,        | Greene.     |
| Taylor, Thomas E.      | Marion,       | Perry.      |
| <i>Taylor, Wade B.</i> | Jasper,       | Walker.     |
| Test, John             | Mobile,       | Mobile.     |
| <i>Thompson, J. C.</i> | Huntsville,   | Madison.    |
| Thomas, Bennett B.     | Livingston,   | Sumter.     |
| Thomason, Matthew D.   | Union Town,   | Perry.      |
| Thorington, Jack       | Montgomery,   | Montgomery. |
| THORNTON, HARRY I.     | Eutaw,        | Greene.     |
| Thustin, Luther T.     | Florence,     | Lauderdale. |
| Tompkins, Henry M.     | Clayton,      | Barbour.    |
| <i>Torry, Rufus C.</i> | Claiborne,    | Monroe.     |
| Trice, Tazewell W.     | Pikeville,    | Marion.     |
| Townes, Eggleston D.   | Tuscumbia,    | Franklin.   |
| Townes, Samuel A.      | Marion,       | Perry.      |
| Turnley, M. J.         | Cedar Bluff,  | Cherokee.   |
| Turner, Warren H.      | Union Town,   | Perry.      |
| Upton, Lawrence        | Marion,       | Perry.      |
| Van Epps, Amos C.      | Eufaula,      | Barbour.    |
| Van DeVort, Joseph     | Camden,       | Wilcox.     |
| Vanhoose, James M.     | Tuskaloosa,   | Tuskaloosa. |
| Vary, Elbert M.        | Livingston,   | Sumter.     |
| Vary, John F.          | Linden,       | Marengo.    |
| Walker, Leroy Pope     | Moulton,      | Lawrence.   |
| WALKER, A. J.          | Jacksonville, | Benton.     |
| Walker, Thomas A.      | Jacksonville, | Benton.     |
| Walker, Milton         | Athens,       | Limestone.  |
| Walker, Percy          | Mobile,       | Mobile.     |
| WALKER, RICHARD W.     |               |             |
| Walker, Thomas         | Athens,       | Dallas.     |
| Waller, Robert B.      | Greensboro,   | Greene.     |
| Waller, R. L.          | Hayneville,   | Lowndes.    |
| Walthall, L. N.        | Mobile,       | Mobile.     |
| Walthall, John N.      | Marion,       | Perry.      |
| Walden, George S.      | Talladega,    | Talladega.  |
| Walton, R. Watkins     | Mobile,       | Mobile.     |
| Wallace, James B.      | Tuskaloosa,   | Tuskaloosa. |
| Wade, ———              | Dayton,       | Marengo.    |
| Watts, Thomas H.       | Greenville,   | Butler.     |
| Watson, Henry          | Greensboro,   | Greene.     |
| Watson, H. P.          | Talladega,    | Talladega.  |
| <i>Watkins, R. S.</i>  | Russellville, | Franklin.   |
| Watrous, Daniel E.     | Montevallo,   | Shelby.     |
| Webb, James D.         | Greensboro,   | Greene.     |
| Webb, William P.       | Eutaw,        | Greene.     |
| Webster, E. A.         | Huntsville,   | Madison.    |
| Wetmore, Thomas B.     | Livingston,   | Sumter.     |
| Wilcox, James          | Elyton,       | Jefferson.  |
| Wiley, J. McCaleb      | Eufaula,      | Barbour.    |
| <i>Williams, T. M.</i> | Lowndesboro,  | Lowndes.    |
| Williams, J. S.        | Suggsville,   | Clarke.     |
| Williams, George W.    | Abbeville,    | Henry.      |
| Williams, Seaborn      | Tuskegee,     | Macon.      |
| Williams, Thomas, Jr.  | Montgomery,   | Montgomery. |
| Williams, John D. F.   | Montgomery,   | Montgomery. |
| Williams, Johnson C.   | Livingston,   | Sumter.     |
| Williams, C. Louis     | Tuskaloosa,   | Tuskaloosa. |
| Williamson, Benjamin   | Camden,       | Wilcox.     |
| Willis, ———            | Tuskegee,     | Macon.      |
| <i>Wilson, B. W.</i>   | C. H.,        | Fayette.    |

|                            |               |             |
|----------------------------|---------------|-------------|
| Wilson, J.                 | Geneva,       | Coffee.     |
| Winston, William O.        | Lebanon,      | DeKalb.     |
| White, Alexander           | Talladega,    | Talladega.  |
| <i>White, Seymour B.</i>   | Abbeville,    | Henry.      |
| White, John                | Bogue Chitto, | Dallas.     |
| Whitehead, Lemuel          | Gaston,       | Sumter.     |
| Whitfield, Newton L.       | Tuskaloosa,   | Tuskaloosa. |
| Womack, John W.            | Eutaw,        | Greene.     |
| Womack, John H. D.         | Warrenton,    | Dallas.     |
| <i>Wood, William B.</i>    | Florence,     | Lauderdale. |
| Wood, Sterling A.          | Florence,     | Lauderdale. |
| Woodson, Philip            | Warrenton,    | Marshall.   |
| Woodward, J. J.            | Talladega,    | Talladega.  |
| Woodward, T. B.            | Talladega,    | Talladega.  |
| Woolsey, B. M.             | Mobile,       | Mobile.     |
| Wyche, H. H.               | Talladega,    | Talladega.  |
| Yancey, W. Lowndes         | Wetumpka,     | Coosa.      |
| <i>Yelverton, Gappa T.</i> | Newton,       | Dale.       |
| <i>Youny, James A.</i>     | Linden,       | Marengo.    |
| Young, John C.             | Camden,       | Wilcox.     |

VI. TRUSTEES, FACULTY, AND GRADUATES OF THE UNIVERSITY OF ALABAMA.

TRUSTEES.

*Presidents of the Board (Governors of the State).*

| <i>Entrance.</i>           | <i>Exit.</i> | <i>Entrance.</i>        | <i>Exit.</i> |
|----------------------------|--------------|-------------------------|--------------|
| 1821—Israel Pickens,       | 1825         | 1847—Reuben Chapman,    | 1849         |
| 1826—John Murphy,          | 1829         | 1849—Henry W. Collier,  | 1853         |
| 1829—Gabriel Moore,        | 1831         | 1853—John A. Winston,   | 1858         |
| 1831—John Gayle,           | 1835         | 1858—Andrew B. Moore,   | 1862         |
| 1835—Clement C. Clay,      | 1837         | 1862—John Gill Shorter, | 1864         |
| 1837—Arthur P. Bagby,      | 1841         | 1864—Thomas H. Watts,   | 1866         |
| 1841—Benjamin Fitzpatrick, | 1845         | 1866—Robert M. Patton,  | 1868         |
| 1845—Joshua L. Martin,     | 1847         |                         |              |

*Members of the Board of Trustees.*

|                         |      |                           |      |
|-------------------------|------|---------------------------|------|
| 1821—George W. Owen,    | 1825 | 1828—Henry W. Rhodes,     | 1830 |
| 1821—Henry Hitchcock,   | 1823 | 1828—Dixon H. Lewis,      | 1831 |
| 1821—George Philips,    | 1833 | 1828—Quin Morton,         | 1833 |
| 1821—Jack Shackelford,  | 1829 | 1828—Jesse Van Hoose,     | 1830 |
| 1821—Hume R. Field,     | 1828 | 1828—Thomas Crawford,     | 1831 |
| 1821—Nicholas Davis,    | 1831 | 1829—Samuel W. Mardis,    | 1832 |
| 1821—John McKinley,     | 1823 | 1830—Ptolemy T. Harris,   | 1832 |
| 1821—Thomas Fearn,      | 1831 | 1830—Jesse W. Garth,      | 1836 |
| 1821—Henry Minor,       | 1823 | 1830—J. C. Kirkpatrick,   | 1832 |
| 1821—C. C. Billingslea, | 1828 | 1831—John B. Hogan,       | 1833 |
| 1821—Robert W. Carter,  | 1823 | 1831—R. B. Walthall,      | 1833 |
| 1823—George Buchanan,   | 1824 | 1831—George Starr,        | 1833 |
| 1823—Bolling Hall,      | 1826 | 1831—William Richardson,  | 1833 |
| 1823—Arthur F. Hopkins, | 1824 | 1831—William Acklin,      | 1843 |
| 1823—David Moore,       | 1828 | 1831—William Hemphill,    | 1833 |
| 1823—Samuel W. Oliver,  | 1831 | 1831—John Gindrat,        | 1833 |
| 1824—William Crawford,  | 1828 | 1832—Benjamin B. Breedin, | 1833 |
| 1824—James Dellet,      | 1826 | 1832—Joab Lawler,         | 1835 |
| 1824—Thomas Wooldridge, | 1828 | 1832—William H. Musgrove, | 1833 |
| 1826—John G. Creagh,    | 1828 | 1833—Henry C. Lea,        | 1836 |
| 1826—Nimrod E. Benson,  | 1831 | 1833—James Dellet,        | 1836 |
| 1828—John Elliott,      | 1835 | 1833—Thomas Riddle,       | 1836 |
| 1828—David Hubbard,     | 1835 | 1833—Jefferson Buford,    | 1840 |
| 1833—Thomas Crawford,   | 1840 | 1845—John W. Portis,      | 1850 |

| <i>Entrance.</i>         | <i>Exit.</i> | <i>Entrance.</i>         | <i>Exit.</i> |
|--------------------------|--------------|--------------------------|--------------|
| 1833—J. S. Devereux,     | 1836         | 1846—John W. Bridges,    | 1847         |
| 1833—Thomas Ringgold,    | 1836         | 1846—James Guild,        | 1855         |
| 1833—Samuel S. Earle,    | 1836         | 1846—Daniel E. Watrous,  | 1859         |
| 1833—Thomas S. Mays,     | 1835         | 1848—William P. Chilton, | 1858         |
| 1833—J. W. Womack,       | 1835         | 1848—Edward S. Dargan,   | 1852         |
| 1835—Thomas Gaillard,    | 1836         | 1848—Alexander Bowie,    | 1852         |
| 1836—William D. Stone,   | 1840         | 1849—Charles S. Jones,   | 1851         |
| 1836—James E. Sanders,   | 1840         | 1850—Joseph D. Jenkins,  | 1853         |
| 1836—Lewis Womack,       | 1836         | 1850—Leroy P. Walker,    | 1852         |
| 1836—Francis Bugbee,     | 1859         | 1852—George Goldthwaite, | 1856         |
| 1836—L. B. Robertson,    | 1847         | 1852—David G. Ligon,     | 1855         |
| 1836—J. H. Draughan,     | 1840         | 1852—John D. Phelan,     | 1858         |
| 1836—Edwin D. King,      | 1852         | 1852—John N. Malone,     | 1861         |
| 1836—Daniel P. Bestor,   | 1843         | 1852—William H. Forney,  | 1857         |
| 1836—John R. Evans,      | 1837         | 1852—George R. Hendree,  | 1853         |
| 1836—T. M. Rector,       | 1841         | 1853—Lyman Gibbons,      | 1857         |
| 1836—John L. Hunter,     | 1843         | 1853—Basil Manly,        | 1858         |
| 1836—Charles D. Conner,  | 1837         | 1853—Edward B. King,     | 1858         |
| 1836—Aaron Shannon,      | 1840         | 1853—Turner Reavis,      | 1860         |
| 1836—George Hill,        | 1840         | 1855—Samuel F. Rice,     | 1863         |
| 1837—Robert M. Patton,   | 1843         | 1856—A. J. Walker,       | 1868         |
| 1837—James Meredith,     | 1840         | 1856—Edward Baptist,     | 1868         |
| 1837—John Cochran,       | 1840         | 1856—Richard W. Walker,  | 1861         |
| 1840—D. M. Murphy,       | 1843         | 1856—George W. Stone,    | 1865         |
| 1840—Lorman Crawford,    | 1943         | 1856—Felix Tait,         | 1861         |
| 1840—D. H. Norwood,      | 1843         | 1855—John J. Ormond,     | 1859         |
| 1840—James Somerville,   | 1842         | 1851—John W. Portis,     | 1857         |
| 1840—John A. Nooe,       | 1843         | 1854—M. L. Stansel,      | 1857         |
| 1840—W. H. Crenshaw,     | 1843         | 1854—M. C. Blanchard,    | 1859         |
| 1840—Edward Baptist,     | 1843         | 1857—N. H. Browne,       | 1863         |
| 1840—James M. Beckett,   | 1853         | 1858—James D. Webb,      | 1863         |
| 1840—L. E. Pearson,      | 1843         | 1858—J. S. Storrs,       | 1859         |
| 1840—Thomas A. Walker,   | 1843         | 1865—Porter King,        | 1868         |
| 1840—Isaac H. Erwin,     | 1843         | 1865—W. S. Mudd,         | 1868         |
| 1840—Egbert J. Jones,    | 1843         | 1865—James H. Fitts,     | 1868         |
| 1840—Francis M. Roby,    | 1844         | 1865—Robert Jemison,     | 1868         |
| 1843—John J. Ormond,     | 1847         | 1865—William M. Byrd,    | 1868         |
| 1843—H. Goldthwaite,     | 1847         | 1865—William G. Clarke,  | 1868         |
| 1843—Walker K. Baylor,   | 1845         | 1865—Thomas J. Judge,    | 1867         |
| 1843—James A. Tait,      | 1845         | 1865—Z. F. Freeman,      | 1867         |
| 1843—Robert T. Scott,    | 1850         | 1865—A. M. Gibson,       | 1867         |
| 1844—Benjamin F. Porter, | 1845         | 1865—John T. Foster,     | 1868         |
| 1845—Felix G. Norman,    | 1849         |                          |              |

## PRESIDENTS OF THE FACULTY.

|      |                           |      |
|------|---------------------------|------|
| 1831 | Rev. Alva Woods, D. D.    | 1837 |
| 1837 | Rev. Basil Manly, D. D.   |      |
|      | Landon C. Garland, LL. D. |      |
| 1868 | W. S. Wyman, M. A.        | 1868 |

## PROFESSORS.

*Of Mathematics, Natural Philosophy, and Astronomy.*

|      |  |      |
|------|--|------|
| 1831 | Gurdon Saltonstall, M. A.                            | 1833 |
| 1831 | William W. Hudson, M. A.                             | 1837 |
| 1837 | Frederick A. P. Barnard,* M. A.                      | 1849 |
| 1849 | Landon C. Garland, LL. D.                            |      |
|      | William J. Vaughan, A. M.                            |      |
|      | George Benaugh, A. M.                                |      |
|      | Robert K. Hargrove, A. M.                            |      |
|      | Rev. J. DeF. Richards, (acting President, 1869-'70). |      |
|      | N. R. Chambliss, (resigned July 30, 1870),           |      |

Entrance.

Exit.

*Of Moral and Mental Philosophy.*

|      |                        |      |
|------|------------------------|------|
| 1831 | Rev. Alva Woods, D.D.  | 1837 |
| 1837 | Rev. Basil Manly, D.D. |      |
| 1849 | L. C. Garland, LL.D.   |      |

*Of Chemistry, Mineralogy, and Geology.*

|      |                               |      |
|------|-------------------------------|------|
| 1831 | John F. Wallis.               | 1834 |
| 1834 | Richard T. Brumby, M.A.       | 1847 |
| 1840 | Frederick A. P. Barnard, M.A. |      |
|      | Michael Toumey.               |      |
|      | John W. Mallet.               |      |

*Of Ancient Languages and Literature.*

|      |                                  |      |
|------|----------------------------------|------|
| 1831 | Henry Tutwiler, M.A.*            | 1836 |
| 1837 | Samuel M. Stafford, M.A.         |      |
| 1849 | W. G. Richardson, M.A., adjunct. | 1850 |
|      | William S. Wyman, M.A.           |      |
|      | Archibald J. Battle.             |      |
| 1869 | J. C. Loomis.                    | 1870 |

*Of English Literature.*

|      |                                       |      |
|------|---------------------------------------|------|
| 1831 | Rev. Henry W. Hilliard, M.A.          | 1833 |
| 1837 | Rev. Horace Southworth Pratt, M.A.    | 1840 |
| 1841 | Rev. Edward D. Sims, M.A.             | 1845 |
| 1847 | Frederick W. Thomas.                  | 1848 |
| 1848 | Landon C. Garland, LL.D.              | 1849 |
| 1849 | Wilson G. Richardson, M. A., adjunct. | 1850 |
| 1856 | Rev. John Wood Pratt, M.A.            |      |
| 1869 | Rev. W. J. Callans.                   | 1870 |
| 1869 | V. H. Vaughan.                        | 1870 |

*Of Modern Languages.*

|      |                          |      |
|------|--------------------------|------|
| 1832 | Sauveur F. Bonfils, M.A. | 1836 |
| 1842 | James C. Dockery, M.A.   | 1850 |
| 1853 | Emanuel V. Scherb, M.A.  | 1853 |
|      | Andre Deloffre.          | 1865 |
| 1865 | J. W. Mallet.            |      |

*Commandants.*

|      |                  |      |
|------|------------------|------|
|      | Caleb House.     |      |
|      | J. T. Murfee.    |      |
| 1869 | W. K. McConnell. | 1870 |

TUTORS.

|      |                             |      |
|------|-----------------------------|------|
| 1831 | Calvin Jones, B. A.         | 1833 |
| 1837 | John McLoughlin Smith, B.A. | 1838 |
| 1837 | Calvin Pearson,             | 1838 |
| 1837 | Arnoldus V. Brumby, M.A.    | 1840 |
| 1830 | Sterling S. Sherman, M.A.   | 1841 |
| 1840 | William J. Whiting, B.A.    | 1841 |
| 1841 | George S. Walden, M.A.      | 1844 |
| 1841 | Joshua H. Foster, M.A.      | 1844 |
| 1844 | John G. Barr, M.A.          | 1846 |
| 1844 | James Somerville, M.A.      | 1846 |
| 1846 | Robert S. Gould, M. A.      | 1849 |
| 1846 | Wilson G. Richardson, M.A.  | 1849 |
| 1840 | Joshua H. Foster, M.A.      | 1850 |
| 1850 | William R. Fleming, B.A.    | 1850 |

\*Upon the reorganization of the Faculty of the University, in 1868, this fine scholar and eminent citizen was elected President; but, to the regret of the friends of the University, he declined to accept.

## Entrance.

|      |                           |      |
|------|---------------------------|------|
| 1850 | George Benaugh, M.A.      | 1852 |
| 1850 | Archibald J. Battle, M.A. | 1851 |
| 1850 | Charles F. Henry, M.A.    | 1852 |
| 1851 | Milford F. Woodruff, M.A. | 1852 |
| 1855 | William S. Wyman, M.A.    |      |
| 1853 | Andre Doloffre.           |      |
| 1860 | W. C. L. Richardson, M.A. | 1865 |
| 1862 | H. M. Sommerville, M.A.   | 1865 |
| 1863 | B. F. Meek, M.A.          | 1865 |

## Exit.

## GRADUATES.

1832.

1837.

John A. Nooe, M.A., Franklin Co. Joseph D. Jenkins, M.A., Camden.

1833.

1838.

Marion Banks, M.A., Tuskalooza. Alex. B. Forney, M.A., Lowndes Co.  
 Francis C. D. Bouchelle, M.A., Ga. Jas. C. Foster, M.A., Tuskalooza Co.  
 John G. Davenport, M.A., Texas. John T. Foster, M.A., Tuskalooza Co.  
 William Woolsey King, M.A., La. Ezekiel Henry, M.A.  
 Rev. Robert B. McMullen, M.A., Tenn. Oliver J. Lawrence, M.A., Gainesville.  
 Alexander B. Meek, M.A., Mobile. Claudius G. Rives, M.A., Lowndes Co.  
 Geo. D. Shortridge, M.A., Montevallo. Samuel H. Rives, M.A. M.D., La.  
 A. B. Stevens, M.A. M.D., Autauga Co.

1834.

1839.

James F. Failey, M.A., Perry Co. Samuel L. Cresswell, M.A., Greene Co.  
 Clement C. Clay, M.A., Huntsville. Rev. J. H. Foster, M.A., Tuskalooza.  
 Wm. A. Cochran, M.A., Tuskalooza. Richard Furman, M.A., Selma.  
 Walter H. Crenshaw, M.A., Butler Co. W. H. Ogborne, M.A., Montgomery Co.  
 Isham H. Kelly, M.A., Pickens Co. Rev. T. Y. Ramsey, M.A., Summerfield.  
 James H. Mastin, Huntsville. Richard H. Ricks, M.A., Franklin Co.  
 Wm. S. Parham, M.A., Lawrence Co. David H. Robinson, Miss.  
 Thos. M. Peters, M.A., Lawrence Co. Young L. Royston, Perry Co.  
 J. B. Read, M.A. M.D., Tuskalooza. Henry L. Rugely, Macon Co.  
 John McL. Smith, Lawrence Co. Lewis M. Stone, M.A., Carrollton.  
 Chas. W. Tait, M.A. M.D., Texas.

1835.

1840.

M. A. Baldwin, M.A., Montgomery. Wm. B. Billingslea, Montgomery.  
 George W. Gaines, Tuskahoma. Alex. L. Blackburn, Madison Co.  
 William B. Inge, M.A., Greene Co. S. B. Johnston, M.A. M.D., Pickens Co.  
 Geo. M. Merriwether, Montgomery Co. J. W. Meek, M.A. M.D., Carrollton.  
 John E. Moore, Lauderdale Co. Rev. E. B. Teague, M.A., Sumter Co.  
 Reuben E. Powe, Miss. Lewis S. Thomas, M.A., New York.  
 Eggleston D. Townes, Franklin Co. John W. Walthall, M.A., Perry Co.  
 Thos. M. Walthall, Perry Co.  
 Thos. N. Wood, Tuskalooza.

1836.

1841.

Franklin W. Bowdon, M.A., Texas. John G. Barr, M.A., Tuskalooza.  
 Walter L. Coleman, Montgomery. Felix G. Christmas, Clarke Co.  
 John H. Marr, Tuskalooza. Benj. F. Cochran, Tuskalooza.  
 Washington D. Miller, M.A., Texas. Thos. P. Crawford, M. A., La.  
 Andrew L. Pickens, M.A., Greene Co. Alex. R. Gates, M.A., Greene Co.  
 Oran M. Roberts, Texas. Edward B. King, M.A., Selma.  
 James G. Sheppard, Texas. Leonidas N. Walthall, Perry Co.  
 George W. Tate, Dallas Co.  
 Elijah C. Wallis, Pickens Co.  
 James W. Wallis, Pickens Co.  
 James D. Webb, M.A., Greene Co.

1842.

Rev. John F. Dagg, M.A., Penfield, Ga.  
 Joseph C. Guild, M.A., Tuskaloosa.  
 John T. Lowe, M.A., M.D., Miss.  
 Richard Furman, Marengo Co.  
 Claudius H. Perkins, Tuskaloosa.  
 James Somerville, M.A., Miss.

1843.

Henry E. Brooks, M.A., Greene Co.  
 Rev. Charles E. Crenshaw, Butler Co.  
 Frederick W. Crenshaw, Butler Co.  
 Samuel B. Jones, Miss.  
 Rev. Basil Manly, Jr., M.A., Va.  
 Austin W. Richardson, M.A., Miss.  
 Warfield C. Richardson, M.A., Camden.  
 Martin L. Stansel, M.A., Carrollton.  
 Felix Tait, M.A., Wilcox Co.

1844.

William A. Battle, M.A., Tuskaloosa.  
 William H. Forney, M.A., Jacksonville.  
 Robert S. Gould, M.A., Texas.  
 William C. Hill, LL.B., Talladega Co.  
 John G. Huckabee, Marion.  
 Richard H. Lee, M.A., Perry Co.  
 George LaFayette Mason, Wetumpka.  
 LaFayette M. Minor, Greene Co.  
 B. B. Poellnitz, M.A., M.D., Marengo Co.  
 Rev. John W. Pratt, M.A.  
 Richard W. Rawdon, Talladega Co.  
 W. G. Richardson, M.A., Tuskaloosa.  
 John L. Smith, M.A., Livingston.  
 Matthew W. Steel, Huntsville.  
 Rev. William A. Stickney, Marion.  
 John P. Wallace, Tuskaloosa.  
 James Welch, M.A., Talladega Co.  
 Hampton S. Whitfield, Tuskaloosa.

1845.

Noah A. Agee, M.A., Claiborne.  
 Jonathan Buck, M.A., M.D., Miss.  
 Rufus H. Clement, M.A., Tuskaloosa.  
 Rev. John S. Cleveland, M.A., Texas.  
 Chelsea M. Cook, M.A., Tuskaloosa.  
 LaFayette Guild, M.A., M.D., Texas.  
 John D. Johnston, Tuskaloosa.  
 Samuel S. Murphy, Greene Co.  
 Benjamin F. Saffold, M.A., Dallas Co.  
 John F. Steel, Huntsville.

1846.

Edwin A. Archibald, M.A., Pickens Co.  
 Rev. J. K. Armstrong, M.A., Marion.  
 Rev. A. J. Battle, M.A., Tuskegee.

Newbern H. Browne, M.A., Tuskaloosa.  
 Francis C. Capel, M.A., Miss.  
 John D. Carpenter, Greene Co.  
 Rev. D. C. B. Connerly, Pickens Co.  
 Origen C. Hall, Mobile.  
 A. LaF. Haralson, M.A., Autauga Co.  
 Archibald H. Hope, M.A., Clarke Co.  
 Thomas J. Molton, M.A., Montgomery.  
 Enoch Morgan, M.A., Eutaw.  
 Isaiah J. Morris, M.A., Chambers Co.  
 Francis M. Prince, M.D., Marengo Co.  
 George W. Rives, M.A., Lowndes Co.  
 Rev. E. R. Ware, M.A., Jacksonville.  
 Maximilian B. Wellborn, M.A., Eufaula.

1847.

James O. Banks, M.A., M.D., Mobile.  
 James I. Bonner, M.A., M.D., Dallas Co.  
 Isaiah C. Brown, M.A., Livingston.  
 Rev. P. E. Collins, M.A., Talladega.  
 Louis J. Deupree, M.A., Tenn.  
 John A. Foster, M.A., Miss.  
 Joshua W. Foster, M.A., Tuskaloosa Co.  
 John H. Fitz, M.A., M.D., Tuskaloosa.  
 E. J. Fitzpatrick, M.A., Montgomery.  
 James A. Fountain, Dallas Co.  
 Thomas S. Gray, M.A., Tuskaloosa Co.  
 Charles F. Henry, M.A., M.D., Mobile.  
 Thomas H. Herndon, M.A., Mobile.  
 William D. King, Perry Co.  
 Leonidas Martin, California.  
 Thomas W. Oliver, M.A., Montgomery.  
 Richard B. Owen, M.A., Mobile.  
 George Washington, M.A., Sumter Co.

1848.

Abner A. Archibald, M.A., Eutaw.  
 John N. Carpenter, Carrollton.  
 A. C. Davidson, M.A., Marengo Co.  
 William R. Fleming, Greene Co.  
 J. R. Fleming, M.A., M.D., Greene Co.  
 R. S. Foster, M.A., M.D., Tuskaloosa Co.  
 Andrew Glassell, Mobile.  
 R. T. Meriwether, M.A., Tuskaloosa Co.  
 William S. Penick, Wetumpka.  
 Thaddeus H. Perry, Pickens Co.  
 Rev. George W. Price, M.A., Fla.  
 William Saffold, Texas.  
 Milford F. Woodruff, M.A., Tuskaloosa.

1849.

William B. Augustus, Miss.  
 Charles E. Bridges, Mobile.  
 Charles M. Buford, M.A., Camden.  
 Walter Cook, Hayneville.  
 James H. Fitz, M.A., Tuskaloosa.  
 P. Fitzpatrick, M.A., M.D., Autauga Co.

|                               |                |                          |                |
|-------------------------------|----------------|--------------------------|----------------|
| Felix G. Henley,              | Miss.          | Thomas J. Patton,        | Greene Co.     |
| Manley L. Hester, M.A., M.D., | Texas.         | Roscoe Peck,             | Tuskaloosa.    |
| Peter F. Hunley,              | Lowndes Co.    | William H. C. Price,     | Tuskaloosa.    |
| Andrew J. Jenkins,            | Wilcox Co.     | William A. Wynne,        | Greene Co.     |
| Edward L. Jones,              | Texas.         |                          |                |
| Lucian V. B. Martin, M.A.,    | Tuskaloosa.    | 1853.                    |                |
| Alburto Martin,               | Pickens Co.    |                          |                |
| Samuel M. Meek, M.A.,         | Miss.          | Robert W. Adams,         | Pickens Co.    |
| John Moore,                   | Marion.        | John M. Bonner,          | Pickens Co.    |
| John M. Owen, M.A.,           | Mobile.        | Thomas G. Chilton,       | Tuskegee.      |
| Thomas B. Slade, M.A.,        | Cherokee Co.   | James O. A. Clopton,     | Macon Co.      |
| Augustus Tomlinson, M.A.,     | Camden.        | William C. Cleveland,    | Dallas Co.     |
|                               |                | Franklin O. Dailey,      | Miss.          |
| 1850.                         |                | David L. Foster,         | Miss.          |
|                               |                | George W. Foster,        | Tuskaloosa Co. |
| Thomas F. Bugbee, M.A.,       | Montgomery.    | William A. Gunter,       | Montgomery Co. |
| Carter H. Cleveland, M.A.,    | Selma.         | Philip B. McLemore,      | Eutaw.         |
| Morgan S. Cleveland, M.A.,    | Selma.         | Edward Q. Thornton,      | Eufaula.       |
| Ira G. Deason,                | Jonesboro.     | William J. West,         | Pickens Co.    |
| John L. De Yampert,           | Perry Co.      | Charles W. Williams,     | Haynesville.   |
| Rev. William S. Foster,       | Texas.         | John T. Yerby,           | Tuskaloosa Co. |
| Ebenezer P. Gould, M.A.,      | Montevallo.    |                          |                |
| John J. Hawthorn,             | Conecuh Co.    | 1854.                    |                |
| William T. King,              | Tuskaloosa.    |                          |                |
| John A. Marshall,             | Wilcox Co.     | John W. Bishop,          | Talladega Co.  |
| John S. Meriwether, M.A.,     | Greene Co.     | Taul Bradford,           | Talladega Co.  |
| J. J. Ormond, M.A., M.D.,     | Tuskaloosa.    | George F. Crawford,      | Miss.          |
| Walter S. Patton, M.D.,       | Greene Co.     | Neville Edmonds,         | Miss.          |
| J. E. Prince, M.A., M.D.,     | Greene Co.     | William S. Jefferies,    | Talladega Co.  |
| James F. Williamson,          | Texas.         | George C. Johnson,       | Selma.         |
| 1851.                         |                | Charles O. Jones,        | Marion.        |
|                               |                | William W. Lang,         | Dallas Co.     |
| George G. Beemon,             | Miss.          | Benjamin F. Meek,        | Tuskaloosa.    |
| William P. Carter,            | Butler Co.     | Cæsar Rodney Montague,   | Marengo Co.    |
| Guy S. Goldsby,               | Summerfield.   | Joseph W. Morton,        | Perry Co.      |
| Jonathan Haralson,            | Selma.         | Goronwy Owen,            | Mobile.        |
| Thomas H. Lewis,              | Jacksonville.  | Edmund LaFayette Prince, | Tuskaloosa.    |
| Eliphalet A. McWhorter,       | Montgomery.    | Henry B. Whitfield,      | Miss.          |
| Edward L. Stickney,           | Marengo Co.    | Walter E. Winn,          | Marengo Co.    |
| Joseph P. Wier,               | Miss.          |                          |                |
| William S. Wyman, M.A.,       | Tuskaloosa.    | 1855.                    |                |
| 1852.                         |                |                          |                |
| Wallace B. Colbert,           | Miss.          | Joseph P. Clark,         | Eutaw.         |
| Girard Cook,                  | Hayneville.    | Richard H. Cobbs,        | Montgomery.    |
| James M. Dearing,             | Tuskaloosa.    | James J. Cook,           | Mobile.        |
| Duncan Dew,                   | Eutaw.         | Jesse G. Foster,         | Tuskaloosa.    |
| James R. Edmonds,             | Miss.          | Nathaniel Friend,        | Greene Co.     |
| William J. Gilmore,           | Sumter Co.     | Reuben R. Gaines,        | Chocktaw Co.   |
| John H. H. Glassell,          | Mobile.        | William G. Gamble,       | Wilcox Co.     |
| James J. Goode,               | Camden.        | William H. Gladney,      | Miss.          |
| Robert K. Hargrove,           | Tuskaloosa.    | Benjamin W. Jackson,     | Selma.         |
| Michael S. Kennard,           | Ark.           | John A. Jones,           | Montgomery Co. |
| James M. Knox,                | Greene Co.     | Jasper J. Jones,         | Jackson Co.    |
| John R. Lee,                  | Sumter Co.     | William Le Roy Kennedy,  | Greene Co.     |
| John W. McConnell,            | Tuskaloosa Co. | George Little,           | Tuskaloosa.    |
| John R. McDow,                | Sumter Co.     | Charles Manly,           | Tuskaloosa.    |
| Henry F. Meek,                | Jefferson Co.  | James W. Monette,        | Greene Co.     |
|                               |                | Osborne Parker,          | Monroe Co.     |
|                               |                | William A. Parker,       | Monroe Co.     |
|                               |                | Robert Perrin,           | Greene Co.     |

|                           |                |                       |                |
|---------------------------|----------------|-----------------------|----------------|
| Richard H. Pratt,         | Bibb Co.       | Lemuel G. Spiva,      | Wilcox Co.     |
| John T. Richardson,       | Greene Co.     | Homer Spiva,          | Wilcox Co.     |
| Thomas J. Scott,          | Dallas Co.     | John F. Tarrant,      | Tuskaloosa Co. |
| Walter Tate,              | Russell Co.    | James F. Tarrant,     | Jefferson Co.  |
| Miles H. Yerby,           | Tuskaloosa.    | Joseph B. Thornton,   | Eufaula.       |
|                           |                | William C. Ward,      | Bibb Co.       |
|                           |                | John D. Weeden,       | Huntsville.    |
| 1856.                     |                | Robert K. Wells,      | Pickens Co.    |
|                           |                | Thomas Williams,      | Montgomery.    |
| John A. Jones, B.A.,      | Montgomery.    |                       |                |
| Edward Q. Thornton, B.A., | Eufaula.       |                       |                |
| Nathan E. Cockrell,       | Sumter Co.     | 1859.                 |                |
| Noble L. De Votie,        | Montgomery.    |                       |                |
| Wade Foster,              | Tuskaloosa.    | Edward F. Comegys,    | Tuskaloosa.    |
| James J. Garrett,         | Greene Co.     | Samuel S. Harris,     | Autauga Co.    |
| Andrew C. Hargrove,       | Tuskaloosa Co. | Thomas M. Henley,     | Montgomery.    |
| John W. Kerr,             | Tuskaloosa.    | William I. Hogan,     | Tuskaloosa.    |
| Paul C. Lee,              | Dallas Co.     | Samuel B. Johnston,   | Tuskegee.      |
| Edmund P. Morrisette,     | Monroe Co.     | Dan Jones,            | Perry Co.      |
| Josiah D. Rhodes,         | Perry Co.      | John P. Jones,        | Camden.        |
| John B. Rudolph,          | Lowndes Co.    | Richard C. Jones,     | Camden.        |
| Henderson M. Somerville,  | Tuskaloosa.    | John C. Meadors,      | Chambers Co.   |
| Benjamin C. Yancey,       | Montgomery.    | John J. Richardson,   | Pickens Co.    |
| John W. Young,            | Wilcox Co.     | James T. Searcy,      | Tuskaloosa.    |
|                           |                | James E. Webb,        | Eutaw.         |
| 1857.                     |                | John A. Wilkinson,    | Greene Co.     |
| John M. Bonner,           | Pickens Co.    | 1860.                 |                |
| Thomas J. Brown,          | Tuskaloosa.    |                       |                |
| Jacob Bryant,             | Clarke Co.     | Henry C. Clark,       | Eutaw.         |
| Benjamin F. Crowell,      | Choctaw Co.    | Anderson Crenshaw,    | Eutaw.         |
| Alfred H. Hutchinson,     | Tuskaloosa.    | Joseph Hutchinson,    | Tuskaloosa.    |
| Cornelius M. Hutton,      | Greene Co.     | John H. Jones,        | Perry Co.      |
| Bush Jones,               | Perry Co.      | Sidney F. Leach,      | Tuskaloosa.    |
| Burwell B. Lewis,         | Shelby Co.     | John D. Leland,       | Tuskaloosa.    |
| Chambers McAdory,         | Jefferson Co.  | William D. C. Lloyd,  | Miss.          |
| Stephen J. Miller,        | Tuskaloosa Co. | Thomas Norris,        | Selma.         |
| Lycurgus J. Parker,       | Pickens Co.    | John M. Parker,       | Monroe Co.     |
| Abner E. Patton,          | Greene Co.     | Joseph A. Pickens,    | Eutaw.         |
| Robert Richey,            | Pickens Co.    | John H. Pickens,      | Eutaw.         |
| Matthew T. Sanders,       | Greene Co.     | Franklin N. Smith,    | Dallas Co.     |
| William J. Vaughan,       | Wilcox Co.     |                       |                |
| William F. Withers,       | Tuskaloosa.    | 1861-'2. (Not known). |                |
| Junius McQ. Witherspoon,  | Miss.          |                       |                |
|                           |                | 1864.                 |                |
| 1858.                     |                |                       |                |
| Junius K. Battle,         | Tuskegee.      | Spotswood Garland,    | Missouri.      |
| James A. Bullock,         | Montgomery Co. | William J. Hamner,    | Tuskaloosa Co. |
| Newton N. Clement         | Tuskaloosa Co. | Moody H. May,         | Tuskaloosa Co. |
| John R. Griffin,          | Russell Co.    |                       |                |
| Bolling Hall, Jr.,        | Autauga Co.    | 1865.                 |                |
| John D. McLaughlin,       | Perry Co.      | Jeff. E. Boseman,     | Autauga Co.    |
| James W. Miller,          | Greene Co.     | F. M. C. Du Brutz,    | Mt. Sterling.  |
| James Miller,             | Tuskaloosa Co. | S. W. John,           | Selma.         |
| Thomas G. Parsons,        | Jefferson Co.  | William H. Ross,      | Mobile.        |
| William H. Sanders,       | Greene Co.     | W. C. Westmoreland,   | Greene Co.     |

## HONORARY GRADUATES.

1833.

Rev. Albert A. Muller, D.D., Tennessee.

1834.

Rev. Stephen Olin, D.D., Middlebury  
College, 1820, LL.D. Yale College, Ct.  
Abner S. Lipscomb, LL.D., Texas.  
Rev. H. W. Hilliard, M.A., Montgomery.  
Rev. Daniel P. Bestor, M.A., Sumter Co.  
C. G. McPherson, M.A., South Carolina.  
A. H. Sample, M.A., South Carolina.  
R. T. Brumby, M.A., South Carolina.

1837.

William Crawford, LL.D., Mobile.  
Henry Tutwiler, M.A., Greene Springs.  
Henry Thompson, M.A., Texas.

1838.

Elisha Mitchell, D.D., Yale, N. C.  
William E. Blasingame, M.A., Perry Co.  
Arnoldus V. Brumby, M.A., Macon Co.  
J. G. Barnard, M.A., U. S. Army.

1839.

Rev. Stephen R. Wright, M.A., Selma.

1841.

John G. Shorter, M.A., Eufaula.  
Rev. J. J. Hutchinson, M.A., Greensboro.

1842.

William G. Simms, LL.D., South Carolina.  
Isaac H. Erwin, M.A., Mobile.  
Duncan M. Murphy, M.A., Claiborne.  
James C. Dockery, M.A., Mississippi.

1843.

Rev. John L. Dagg, D.D., Georgia.  
Benjamin F. Porter, M.A., DeKalb Co.  
Lemuel B. Robertson, M.A., LaFayette.  
E. Sanford Sayre, M.A., Montgomery.  
Joseph P. Saffold, M.D., Montgomery.

1844.

Rev. W. A. Scott, M.A., 1841, Louisiana.  
Rev. Henry J. Ripley, D.D., Mississippi.

1845.

Edward C. Bullock, M.A., Eufaula.  
Rev. Jesse Hartwell, D.D., Arkansas.  
Robert T. Johnson, M.A., Pickensville.

Jones J. Kendrick, M.A., Geneva.  
Pleasant W. Kittrell, M.A., Greensboro.  
James W. McClung, M.A., Huntsville.  
Rev. A. H. Mitchell, D.D., Summerfield.  
Oliver H. Prince, M.A., Demopolis.  
Thomas M. Price, M.A., Washington Co.  
Thomas H. Watts, M.A., Montgomery.

1846.

Rev. Theodore Sayre, M.A.,  
Daniel Pratt, M.A., Prattville.

1847.

Rev. Aristides S. Smith, M.A., Virginia.  
Joseph W. Taylor, M.A., Eutaw.  
Robert S. Lewis, M.A., Montevallo.  
Lucius B. Johnson, M.A., Selma.

1848.

John H. Chapman, M.A.,  
Rev. Thomas F. Curtis, M.A., Marion.  
Robert Bradshaw, M.A., Selma.  
John W. Womack, M.A., Greene Co.

1849.

Rev. J. Somerville, M.A., Pickens Co.  
Paul T. Sayre, M.A., Montgomery.

1850.

Rev. Jacob H. Baker, M.A., Elyton.  
Rev. J. L. Reynolds, D.D., South Carolina.  
Ashley W. Spaight, M.A., Cahawba.

1851.

Clark S. Brown, M.A., Mississippi.  
Rev. J. M. Jennings, M.A., Carrollton.  
Rev. A. A. Lipscomb, D.D., Montgomery.

1853.

John McP. Berrien, LL.D., Georgia.  
Simon Greenleaf, LL.D., Massachusetts.  
James K. Paulding, LL.D., New York.  
Rev. John L. Kirkpatrick, D.D., S. C.  
Rev. William Johnson, M.A., Tuscaloosa.  
Rev. William H. Milburn, M.A., Mobile.  
John N. Malone, M.A., Athens.

1853.

John A. Campbell, LL.D., Mobile.  
Rev. Henry Talbird, D.D., Marion.  
Aaron B. Levissee, M.A., Mardisville.  
William B. Moss, M.A., Montgomery.

## THE UNIVERSITY DURING THE WAR.

It is difficult to publish an authentic Catalogue of the Cadets of the University, or of other material facts in connection with the history of the Institution during the war. There are remaining among the archives only some unsatisfactory fragments, and we find no Catalogues. It is sufficient to say that, during that period, the College roll reached its greatest numbers. In 1862-'3 there were 256 Cadets; and in 1863-'4, the number reached 341. In 1865, the University closed with 265 Cadets. The officers on duty at the University at various times, from the beginning to the close of the war, are given below :

## OFFICERS OF INSTRUCTION AND GOVERNMENT.

*Collegiate Department.*

L. C. GARLAND, LL.D., President.

## PROFESSORS.

*Rhetoric and Oratory.*

Rev. JOHN W. PRATT, M.A.

*Natural Philosophy and Astronomy.*

GEORGE BENAUGH, M.A.

Rev. CHARLES H. TOY, M.A.

*Ancient Languages.*

WILLIAM S. WYMAN, M.A.

*Modern Languages.*

ANDRE DE LOFFRE,

*Mathematics.*Caleb Huse,  
James T. Murfee,  
William J. Vaughan, M.A.*Chemistry, Mineralogy, and Geology.*William Boggs,  
W. C. L. Richardson, M.A.

## ACADEMIC DEPARTMENT.

EDWARD R. DICKSON, M.A., Rector.

*Instructors.*John F. Tarrant, M.A.,  
S. C. Donaldson, M.A.,  
W. J. Vaughan, M.A.H. M. Somerville, M.A.,  
B. F. Meek, M.A.

## MILITARY DEPARTMENT.

Col. L. C. GARLAND, LL.D., Superintendent.

*Commandants.*

Lieut. Col. Caleb Huse,

Lieut. Col. J. T. Murfee.

*Surgeon.*

John B. Read, M.A., M.D., with the rank of Major.

*Instructors.*Major J. T. Murfee,  
Captain C. L. Lumsden,  
Captain —— Morrison,  
Captain H. Otey,Captain D. Poyner,  
Captain John Massey,  
Captain E. A. Smith,  
John H. Murfee.

Captain John T. Gibbs, Quartermaster.

Paul F. Tricou, Treasurer.

## THE DESTRUCTION OF THE COLLEGE BUILDINGS.

On the 4th of April, 1865, the main buildings of the University, including the Rotundo, were destroyed by fire, by the United States troops. The College Library, and also the Libraries of the Erosophic and Philomathic Societies, were consumed. The President's Mansion, the Observatory, and five cottages for Professors, remained.

## THE PRESENT CAPACITY OF THE BUILDINGS.

In 1868, a new and splendid edifice, capable of accommodating two hundred Cadets, was erected. This building contains a large mess-hall, and commodious offices and recitation rooms, as well as extensive dormitories. There is now abundant room at the University for two hundred Cadets, and all necessary officers.

## BOARD OF REGENTS, 1870.

N. B. CLOUD, M.D., President, Montgomery.

|               |               |                |              |
|---------------|---------------|----------------|--------------|
| G. L. Putnam, | Mobile.       | J. Nichols,    | Madison Co.  |
| W. P. Miller, | Conecuh Co.   | W. H. Clayton, | DeKalb Co.   |
| J. H. Booth,  | Autauga Co.   | G. A. Smith,   | Lawrence Co. |
| T. A. Cook,   | Talladega Co. | A. B. Collins, | Lawrence Co. |

H. M. BUSH, Secretary, Montgomery.

## FACULTY AND OTHER OFFICERS.

W. R. SMITH, President, and Professor of Metaphysics, International and Constitutional Law.

Rev. J. DeF. Richards, Professor of Natural Science and Astronomy.

H. S. Whitfield, Professor of Mathematics.

D. L. Peck, Professor of Ancient Languages.

W. R. Smith, Professor of English Literature, Rhetoric and Logic.\*

Charles M. Foster, Treasurer.

J. M. Martin, Attorney for the University.

## FACULTY, 1872.

N. T. LUPTON, A.M., President.

W. S. Wyman, A.M.

W. J. Vaughan, A.M.

B. F. Meek, A.M.

D. S. Peck, A.M.

A. S. Garnett, M.D.

Rev. Telfair Hodgson, A.M.

W. A. Parker, A.M.

J. G. Griswold, A.M.

N. T. Lupton, A.M.

E. A. Smith, Ph. D.

Gen. GEO. D. JOHNSTON, Commandant.

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\*Supplying the place of H. S. Whitfield, transferred to the chair of Mathematics.

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[The names which appear in this Index, are of persons who have been sketched, or specially noticed, to more or less extent, in the Reminiscences.]

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#### FINAL NOTE.

As in all works for the press, however attentively the proof-sheets may be examined, some typographical errors will escape correction, so in this volume, a few may be detected by the careful reader—not of sufficient importance, however, as to require a formal enumeration. Whatever they may be, the supervisor, representing the author in publication, takes all the blame upon himself.









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