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Huntsville, Alabama

Volume 2

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Editor
Elbert L. Watson

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THE DEAD SHOE PRIMARY

By Grace Hooten Gates

The people of Alabama went to the polls on August 27, 1907, to choose United States Senators in a most unusual Democratic primary. Alternately praised and condemned, the "Dead Shoe Primary," as the Alabama press dubbed it, was a unique experience in Alabama history. Not only did the electors participate in the statewide selection of United States Senators for the first time, but in addition, two alternate Senators were named to fill the first two vacancies which might occur. The procedure was ostensibly occasioned by the advanced age of both Alabama Senators and the general consensus that neither would survive his term of office. The two incumbent United States Senators at that time were John Tyler Morgan, eighty-one, and Edmund Winston Pettus, eighty-five, both of Dallas County, Alabama.¹

The year 1906 was known not only for the unusual Alabama primary. Through the eyes of the contemporary press, the world was an exciting place that year: Mount Vesuvius erupted, statehood for Oklahoma was voted on, and great interest was shown in the wedding of President Theodore Roosevelt's daughter, Alice, and Nicholas Longworth. In Huntsville, W. R. Rison Banking Company boasted resources of \$754,616.21, Goldsmith and Grosser advertised a half-

price sale featuring men's overcoats for \$6. 50, cotton opened for eleven cents per pound, and "high class spectacles" could be seen at the Opera House for ten cents. ²

Politics was part of everyday conversation. The mood of the state of Alabama was reform, the temper of the nation progressive. A growing impulse across the nation for primaries and for direct election of United States Senators stemmed from the demands of the Populists, the unhappy farmers of the nineteenth century. Among other requests, these agrarians wanted a more democratic form of government and banded together politically to obtain it. Though the group failed to attract enough following to gain the political prestige of the presidency, the idea for more popular control of government continued, long before the enactment of the seventeenth amendment of 1913.

In Alabama, direct primaries were first fleetingly advocated in the 1870's as a move for greater strength among the whites in a continuing period of reconstruction. ³ However, not until February 8, 1899, was Alabama's first general primary election proposed. ⁴ The Alabama Senatorial primary of 1906 was preceded by a six-year period in which advocates of the direct primary and the direct election of Senators fought a difficult battle for acceptance.

The United States Senate itself was under attack during those years. Current magazines such as Forum and The Nation contained articles condemning and criticizing the Senate, and that body stubbornly resisted any attempt to make election by the people a fact. One national magazine article writer stated, "It is hard to see how, in any event, a popular vote for Senators, whether in primaries or an election itself could produce worse results than the system of choice by legislatures. ⁵

The party caucus and convention as the means of

selecting candidates were also under scrutiny. Manipulation of these procedures was easy, and the direct primary was always the suggested remedy.⁶ In Alabama, the first primary which included active campaigning concerning the election of a United States Senator was held on April 14, 1900. Candidates for state officers and representatives to the legislature were selected in county primaries on the basis of whether they supported the reelection of Senator John T. Morgan, or his challenger, former Governor Joseph F. Johnston.⁷

The question of statewide primaries for all elected officers and the direct election of United States Senators were still issues in Alabama politics, although overshadowed in 1901 by the talk of a new constitutional convention. The primary issue in Alabama as well as in the other southern states was suffrage reform. The white people of the South at that time reasoned that the surest way to reinstitute a purer form of democratic government and to eliminate fraud and corruption in elections was to eliminate the Negro vote. Mississippi had set the example ten years earlier by adopting a constitution which virtually disfranchised the Negro voters in that state.⁸ Alabama followed in the footsteps of Mississippi, but during the weeks of debate on how best to disfranchise the Negro, the question of direct election of United States Senators was not completely forgotten. A resolution was introduced allowing electors to express their preference for United States Senators, but was defeated.⁹ The convention also skirted the question of direct primaries.

Although many were disappointed that the constitutional convention had failed to take action in this area, the fight continued in Alabama as well as in other states to make election of United States Senators by the people a fact. In the years before the adoption of



HON. JOHN TYLER MORGAN
U. S. Senator from Alabama, 1877 to 1907

the seventeenth amendment, about two dozen states, including Alabama, had resorted to the procedure of holding a primary in which voters would express their preference to candidates. The state legislature, which constitutionally still had to make the final selection, would then be bound by the popular vote.¹⁰ Thus Alabama was not forging a new path, but following the lead of numerous other states in planning and carrying out a Senatorial primary in 1906. However, the nature of the situation in Alabama with respect to the ages of the incumbent Senators gave rise to the interesting turn of events that followed in the most unusual election ever held in the state.

The question of whether a primary would be held or not and which offices would be filled by this method rested in the hands of the powerful Democratic State Executive Committee, composed of the political leaders from each Congressional District in the state. These men apparently were subjected to persuasion and pressure, particularly by some of the aspiring Senatorial candidates in 1906. Several prominent Alabamians longed for a seat in the United States Senate but had been either unwilling or unable to unseat the venerable incumbents, John Tyler Morgan and Edmund Winston Pettus.

The executive committee met in Montgomery on January 9, 1906, and adopted a proposal known as "The Whitson Plan," presented by Charles Carson Whitson of Talladega, calling for a state primary for the election of state officers and Senators. In addition, the committee provided for the selection of two alternate candidates for Senators, the men who were to be appointed to the United States Senate in the event that there were vacancies. In defending his plan before his opposition, Whitson stated that changes had occurred since the framers of the constitution provided that Senators be elected by state legislatures,

and many states had multi-millionaires who bought the members of the legislatures "like sheep" and had themselves elected by bribery. 11

The most controversial action of the committee was the provision for the selection of alternate Senators, an action which touched off a wave of agitation across the editorial pages of the state. The most commonly expressed view at first was the impropriety of electing alternate Senators to fill the shoes of the Senators while they were still alive. An editorial in the Birmingham News reflected that "It offends a nice sense of propriety in ordering an election for 'dead men's shoes,' while the Senators of Alabama are alive and active and standing for reelection." 12 Another News article read, "Senator Morgan and Senator Pettus have had a mockery put upon their old age. . . they are twitted with the near approach of death, held up to the world as tottering on the verge of the grave." 13

The Hartselle Enquirer chastised the committee's decision, ". . . for God's sake don't speculate in that cold-hearted way on their probable death. Ugh! It's ghoulishly blood-chilling, heart - paralyzing - soul - horrifying." 14

Other criticisms were directed at the attempt of the committee to fix the succession for some time to come. Both Senator Pettus and Senator Morgan were required by the committee to stand for reelection, although Pettus' term did not expire until March, 1909. This was necessary because of a peculiarity in the Alabama Constitution. The framers of the document in 1901 decided upon quadrennial sessions of the state legislature. 15 The next regular session of the legislature was due to convene early in 1907 and again four years later, hence it was believed that there would be no further session until after the beginning of Pettus' 1909 term.

The Montgomery Journal pointed out that the State Executive Committee had practically named the next United States Senators for the next quarter of a century, as Pettus' successor would, in all probability, serve until 1915, be reelected and serve until 1921. ¹⁶

The Huntsville Morning Mercury quoted the unfavorable editorials of other state papers, including those in Birmingham and Montgomery. However, the Huntsville paper reflected the point of view that the action of the state committee was commendable, in that it "relieves the governor of the appointive power which has heretofore been exercised by that official."¹⁷ The leading contender for governor was Braxton Bragg Comer, planter, merchant, banker, and cotton textile manufacturer, whose stand on the discriminatory practices of the railroad interests was well-known. The Cullman Tribune had already claimed that the Democratic State Executive Committee consisted mainly of railroad lawyers who hoped to control Alabama politics. ¹⁸

The Huntsville Morning Mercury also applauded the alternate plan by contending editorially that the executive committee had relieved those who wished to succeed to the Senate from apposing the two aged Senators. ¹⁹ Any man who sought to replace one of the venerated public men could do so by announcing for the position of alternate Senator, and if successful, thus become one of the "Senators-in-waiting." This opened the field for the numerous men who had stood in the background for many years, either unsuccessful in their bid for the Senate, or hesitating to incur the disfavor of the Alabama voters who continuously returned to the state legislature those who supported Morgan and Pettus.

Morgan and Pettus formally notified the Democratic State Executive Committee on January 29, 1906, that they would be candidates for renomination. ²⁰ In



HON. EDMUND WINSTON PETTUS
U. S. Senator from Alabama, 1897 to 1907

the meantime, several aspirants sought the position of alternate Senator. General Joe Wheeler was rumored to be a candidate, but he died of pneumonia in January, 1906.²¹ Others who announced for alternate included two ex-governors, General William C. Oates and General Joseph F. Johnston; William C. Fitts of Mobile, a former attorney general of the state; John B. Knox of Anniston, attorney and president of the constitutional convention in 1901; Richard Henry Clarke of Mobile, and Jesse Francis Stallings of Birmingham.²² The field now stood at six candidates.

The congressman representing the eighth district, which included Madison County at that time, was Judge William Richardson. The Huntsville newspaper paid him tribute editorially, as he was unopposed for reelection for the House of Representatives, and called on him to announce for alternate Senator. "Congressman Richardson has never sought to hide the ambition that he has cherished for some time of occupying a seat in the upper house of Congress. The alternate plan will permit this." The editorial ended, "We trust that Congressman Richardson will announce his candidacy for the position at the earliest possible moment and in the name of the Democrats of Limestone, his native county, we call upon him to do so, assuring him of a hearty, undivided support."²³ Richardson declined a few days later, in a few terse and forcible words.²⁴ He made Huntsville his home, and remained in Congress until his death in 1914.

The seventh and last candidate in the field was John Hollis Bankhead, congressman from the sixth Congressional District. Bankhead was defeated in his bid for reelection in an early county primary by Richard Pearson Hobson, of Spanish-American War fame. Hobson was a frequent visitor to Huntsville, and he delivered the address for the graduating class of the New Market Training School in May, 1906.²⁵

Bankhead formally announced his candidacy for alternate in a published letter to the "Democrats of Alabama," in which he outlined his accomplishments and his suggestions for canal and river improvements, good roads, and railroad regulation.²⁶ Of all the campaigns for the alternate position, Bankhead's was the most efficiently run. While William C. Fitts spoke from atop a wooden box in front of the Enterprise Drug Company, John Knox walked the streets of Huntsville shaking hands with friends, and Joseph Johnston ate barbeque at Owens Cross Roads, the Bankhead Committee ran a smooth political machine.²⁷

Back of the barrage of publicity that appeared in the larger newspapers statewide were three men, who composed the "Bankhead Committee." They were the two sons and the son-in-law of Bankhead, William B. Bankhead, John H. Bankhead, Jr., and Dr. Thomas McAdory Owen. These men used every conceivable means to reach all of the voters of the state. Letters were mailed to lists of voters, including justices of peace, Notaries Public, Beat Committeemen, Confederate pensioners, white public school teachers, druggists, Episcopal Ministers, and members of the State Horticultural Society, among others.²⁸

The Bankhead brothers offered their advice to their father on the subject of advertising stating that no money should be spent for space in the Montgomery Advertiser, since most of its readers were better informed and the paper was not widely read or circulated among the country people. They felt that because funds were limited, the money should be spent more beneficially in the country papers such as The Wire-Grass Siftings, Dothan; North Alabamian, Tusculumbia; the Cherokee Harmonizer, Centre; and The Mercury, Huntsville.²⁹

The Huntsville Morning Mercury endorsed Joseph F. Johnston and Richard Henry Clarke in the campaign,

stating editorially, "What a team Johnston and Clarke would make in the senate! Both are strong, courageous and impressive speakers. One is from North Alabama the other from South Alabama, yet each would serve the interests of the entire state with the same fidelity he would serve his immediate section."³⁰

In the dead shoe race a great deal of attention was paid to the health of the incumbents, especially Pettus, the older. In February, 1906, he suffered a fall on the slippery sidewalks of the capitol. He angrily retorted to the newsman who persisted in reporting the fall, "You might say that I had stolen a sheep, but when you say that a man a hundred years old has had an attack of vertigo, that is a different thing."³¹ Later, when Pettus was absent from the Senate for ten days in April, he had to quiet rumors that he was dying and stated, "I had a regular old Cahawba hard chill."³²

Another favorite story about "Old Confucius," as newsmen had nicknamed Pettus, concerned a strange buzzing noise heard in the Senate Chamber in Washington. After the engineers, electricians, and plumbers searched unsuccessfully all day, a page discovered the noise was coming from the desk of Pettus. It seems that he had just acquired a new hearing device, which was connected to a storage battery, and in putting up the apparatus for the day, the Senator had placed the ear piece and the battery in contact, with the resulting noise.³³

Pettus' wife of sixty-two years died in July, 1906. This fact was used as a determining factor in judging his increased weakness by some of Bankhead's friends, who urged him to consider opposing Pettus directly, a move that Bankhead never took. One friend wrote that the death of the wife was "a very pungent thorn in the old Senator's side and I dare affirm that the number of his days are quite limited."³⁴

The primary was held on August 27, 1906, after a summer of heated campaigning. When the votes were tallied, Bankhead and Johnston were declared first and second alternates, respectively. The Annis-ton Evening Star commented, when the official results were reported, "The thing for Alabamians to do now is to forget politics and get down to the work for the continued upbuilding of the best state in the country."³⁵

Senator John T. Morgan died in his eighty-third year on June 11, 1907, while serving his sixth term in the Senate. Alabamians mourned the man who had represented them for more than thirty years.³⁶ However, even before his body was laid to rest in Selma, the political pot began to simmer.

Bankhead, as first alternate, had been waging a continuing campaign to keep his name before the public. The State Democratic Convention, which met in Birmingham in September, 1906, had decreed that the primary for alternate United States Senator was binding on the Governor only if the legislature was not in session, and would be effective only until the next meeting of the legislature.³⁷ In response, Bankhead wrote a lengthy personal letter to each member of the Alabama Legislature, stating that he felt he had the right to the first vacancy.³⁸

After Morgan's death, leading political figures across the state began to speculate as to the course of Governor Comer. The legislature was temporarily recessed and would not convene until July.³⁹ Party men in Decatur thought that the nomination of Bankhead and Johnston as alternate Senators in the 1906 primary plan was not binding on the legislature. Huntsville's leading politicians believed there would be a contest before the next session of the legislature and that the intent of the primary election was for a gubernatorial appointment.⁴⁰

Governor Comer appointed Bankhead as the successor, but he attached a lengthy statement to the appointment in which he condemned the actions of the 1906 Democratic State Executive Committee, and stated that he did not feel that the legislature was obligated. He recommended a new primary.⁴¹

With the specter of a bitter fight looming in the legislature, other Senatorial hopefuls began to express themselves. William Richardson of Huntsville was rumored to be a candidate, but when he was interviewed, he stated that he would not be a contender before the legislature.⁴² Jesse F. Stallings and John B. Knox, unsuccessful candidates, announced, as did John W. Tomlinson, a Birmingham lawyer.⁴³ Meanwhile Bankhead stated, "I have always had to fight for all I got and I am ready to fight for the Senatorship before the legislature in July. I believe, according to the sentiment of the people, that I am entitled."⁴⁴

The friends of Bankhead seemed optimistic, according to reports, but lost no time in "putting every wheel to work" to insure his election before the legislature. The Bankhead machine must have worked efficiently. In a party caucus on July 10, 1907, he was nominated to succeed to the vacancy created by the death of Senator Morgan. Only one man refused to vote for him in the caucus, J. Lee Long, of Butler County.⁴⁵ The official nomination came in a joint session of the legislature on July 17, 1907, when he was "duly and constitutionally elected for the unexpired term ending in March, 1913."⁴⁶

Ten days later, the state was shocked to learn of the death of Alabama's other Senator, Edmund W. Pettus. Without fanfare, Joseph F. Johnston was elected by the legislature to both the present term which expired in 1909, and the term which began that year.⁴⁷ Senator Johnston served until his death on

August 8, 1913. His colleague, Senator Bankhead, delivered the first memorial address in Johnston's honor. 48

Bankhead continued to fight for good roads and one of the first transcontinental highways, from Washington, D. C. to San Diego, was named for him, "The Bankhead Highway." He was the last Confederate veteran in the Senate, and on the occasion of the twenty-seventh annual reunion of the United Confederate Veterans in 1918, Colonel Bankhead donned his gray uniform and addressed his colleagues, "Today the shattered remnants of the armies of Lee and Jackson, Johnston and Bragg will march. . . think of the significance of the spectacle, fifty years ago they were hammering at the gates of Washington." He was then joined by Senator Knute Nelson of Minnesota in his blue uniform, and ended his speech, stating they were "Marching with broken body and faltering step on a mission of peace and love, not of hatred and bloodshed."⁴⁹ Bankhead died March 1, 1920.

Bankhead's two sons also served in Congress. William Brockman Bankhead began his career practicing law in Huntsville in the office of Judge William Richardson. He served as City Attorney of Huntsville from 1900 to 1901, then moved to Jasper to enter law practice with his brother in 1905.⁵⁰ While he lived in Huntsville, a daughter, Tallaluh Brackman Bankhead, was born January 31, 1903. Tallaluh achieved great fame as an actress.⁵¹

Thus a chapter was closed in Alabama politics, a chapter charged with emotion, frustration, exultation and victory. It was an experiment reaching for a more democratic government. For the first and only time in Alabama history, alternate Senators were selected, so that the people would still have a voice in the choice of the successors of the two aged men from Dallas County, whose life spans were obviously limited.

¹Alabama Official and Statistical Register, 1907 (Montgomery, 1907), pp. 35-36.

²Morning Mercury (Huntsville), January-February, 1906.

³Malcolm C. McMillan, Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism (Chapel Hill, 1955), p. 244

⁴Alabama House Journal, 1898-1899, p. 35.

⁵"The Senatorial Primary," The Nation, LXX (Mar. 2, 1905), p. 166.

⁶Albert Watkins, "The Primary Election Movement" Forum, XXXIII (March, 1902), p. 95.

⁷Birmingham News, April 16, 1900.

⁸C. Van Woodard, Origins of the New South (Baton Rouge, 1951), pp. 321, 327.

⁹Journal of the Proceedings of the Constitutional Convention of the State of Alabama, 1901, pp. 405, 954, 975.

¹⁰Henry Litchfield West, "American Politics," Forum XXXVII (October, 1905), p. 158

¹¹Minutes of the State Democratic Executive Committee, Jan. 9, 1906, Alabama State Department of Archives and History, Montgomery, Ala., pp. 10-16.

¹²Birmingham News, Jan. 10, 1906.

¹³Ibid., Jan. 11, 1906.

¹⁴Quoted in the Birmingham News, Jan. 13, 1906.

¹⁵Alabama Constitution, 1901, art. IV, sec. 48.

¹⁶Quoted in the Birmingham News, Jan. 11, 1906.

¹⁷Morning Mercury (Huntsville), Jan. 11, 1906.

¹⁸Cullman Tribune editorial quoted in the Birmingham News, Jan. 16, 1906.

¹⁹Morning Mercury (Huntsville), Jan. 12, 1906.

²⁰Mobile Register, Jan. 30, 1906.

²¹Birmingham News, Jan. 20-26, 1906.

²²Compiled from Birmingham News, Jan. 12, 1906, Mobile Register, Jan. 21, 25, April 13, 24, 1906.

²³Morning Mercury (Huntsville), May 6, June 20, 1906.

²⁴Ibid., April 29, 1906.

²⁵Ibid., May 13, 1906.

²⁶Mobile Register, June 3, 1906, Birmingham News, June 2, 1906.

²⁷Morning Mercury (Huntsville), May 6, June 20, 1906.

²⁸John H. Bankhead, Jr., to Thomas M. Owen, June 23, 1906; William B. Bankhead to Thomas Owen, July 17, 1906; and Owen to John H. Bankhead, Jr., July 20, 21, 1906, all in the John Hollis Bankhead Papers, Alabama State Department of Archives and History.

²⁹Letter from Bankhead and Bankhead, Attorneys at Law, signed "B & B," to Thomas M. Owen, July 25, 1906, and Owen to John H. Bankhead, Jr., July 20, 1906, in the John H. Bankhead Papers.

³⁰Morning Mercury (Huntsville), April 20, 1906.

³¹Mobile Register, Feb. 7, 8, 1906.

³²Ibid., April 24, 1906.

³³Birmingham News, Jan. 22, 1907.

- ³⁴ Harry C. McNeer to Thomas M. Owen, July 16, 1906, in the John H. Bankhead Papers.
- ³⁵ Anniston Evening Star, Aug. 30, 1906.
- ³⁶ Birmingham News, June 12, 1907.
- ³⁷ Montgomery Advertiser, Sept, 11, 1906.
- ³⁸ A copy of the letter Bankhead sent to each member of the legislature is contained in the John H. Bankhead Papers.
- ³⁹ Birmingham News, June 12, 1907.
- ⁴⁰ Birmingham News, June 15, 1907.
- ⁴¹ Ibid., June 17, 1907.
- ⁴² Ibid.
- ⁴³ Ibid., June 18, 20, July 1, 1907.
- ⁴⁴ Ibid., June 17, 1907.
- ⁴⁵ Ibid., June 18, July 10, 11, 1907.
- ⁴⁶ Journal of the Senate of the State of Alabama, 1907, p. 1943.
- ⁴⁷ Ibid., p. 2912.
- ⁴⁸ U. S., 63rd Congress, 3rd Session, 1914-1915, Memorial Addresses for Joseph Forney Johnston (Washington, D. C., 1915).
- ⁴⁹ U. S., 66th Congress, 3rd Session, 1920-1921, Memorial Addresses on the Life and Character of John Hollis Bankhead (Washington, D. C., 1921), p. 29.
- ⁵⁰ Thomas McAdory Owen, Dictionary of Alabama Biography (Chicago, 1921), Vol III, p. 93.
- ⁵¹ Who's Who in America. 1962-63 (Chicago, 1963), Vol 32, p. 153.

EPIDEMIC CHOLERA AT HUNTSVILLE, 1873

by Leland R. Johnson

Epidemic cholera repeatedly disrupted community life and brought tragedy to families in the United States throughout the nineteenth century. Major outbreaks of the pestilence occurred in the United States in 1832, 1854, and in 1873, reaching pandemic proportions in the South, with fatalities attributable to the disease numbering in the thousands. The malady afflicted young and old, rich and poor, white and black alike, and in 1850 it extended to the White House, taking the life of an old soldier, Zachary Taylor, who had survived many years of combat action only to succumb to disease. Cholera is an acute intestinal disease, characterized by sudden onset, disruption of the alimentative processes, swift dehydration, and rapid physical collapse. Until the end of the nineteenth century, medical authorities were uncertain of its causes, often attributing it to dietary habits, but by 1873 many physicians were beginning to connect the spread of the disease with sanitary conditions and to urge improved water supply treatment facilities and sanitary sewerage systems as preventative measures.

Huntsville had miraculously been spared the horrors of the epidemics of 1832 and 1854, while surrounding communities--Nashville, Memphis, Knoxville, Chattanooga, Montgomery, for examples--were

ravaged; residents of Huntsville and Madison County had begun to claim that they lived in the healthiest region in the whole country. But this good fortune led to the misfortune of 1873, for when the epidemic arrived Huntsville had no safe water supply system, no sanitary sewerage system, nor board of health. In short, the city was extremely vulnerable to pandemic diseases.

The cholera epidemic of 1873 had traveled halfway round the world en route to the United States and to Huntsville, originating in India in the province of Bengal in 1865. Religious pilgrims, infected in India, carried the disease west to Persia in 1867, from whence it was transmitted around the shores of the Caspian Sea to Turkey and Russia and on into Europe. Plague ships then carried it, in the person of immigrants, to the Americas, and by steamboat and railway it proceeded into the interior of the continent. The disease evidently reached Huntsville by a German ship to New Orleans, steamboat to Memphis, and railroad to Huntsville. The first victim in the United States was a dockworker in New Orleans who died of the disease on February 9, 1873; from New Orleans it spread up the Mississippi to Memphis, and then along the railroad to Huntsville. The first fatality of the 1873 epidemic in Alabama was a five-year-old girl who lived on Holmes Street in Huntsville--she died on June 3. Birmingham had its first cholera fatality on June 12 and Montgomery on June 17. In like-manner the disease spread across the entire South and reached further into the interior to such far-flung locations as Carthage, Ohio; Yankton, Dakota; and Crow River, Minnesota.

The epidemic reached such serious proportions that Congress ordered an investigation of the "deplorable mortality" by the Surgeon-General of the Army.

Assistant Surgeon Ely McClellan, U.S. Army, was placed in immediate charge of the investigation, and he assembled a reliable nationwide report on the epidemic--its spread, its causes, its treatment--by collecting information from physicians throughout the infected areas. Two Huntsville physicians contributed elaborate reports on the course of the disease in the city and the surrounding area; one was Assistant Surgeon M. K. Taylor, medical officer at Thomas Barracks two miles northeast of Huntsville, and the other was Dr. J. J. Dement, physician of Huntsville.

Dr. Taylor reported that as the epidemic moved north from New Orleans, he and other physicians in Huntsville became alarmed, and the Madison County Medical Society appointed a committee, consisting of Dr. Taylor, Dr. A. S. Green, and Dr. H. W. Bassett, to urge the enactment of ordinances providing for legal registration of deaths and for the creation of a municipal board of health. These actions were taken as the epidemic reached Memphis, and the new board of health initiated emergency measures to clean up Huntsville and improve sanitary conditions, but they were too late to be effective.

The first death in Huntsville due to cholera occurred on June 3--the last on July 25. Between these dates, at least 183 cases of cholera were recorded, a ratio of 1 to 24.5 of the population of Huntsville at the time. The total population was reduced, however, by the 500 citizens who fled north for refuge, or traveled to resorts in the country such as Monte Sano, but some carried the disease with them and contributed to its spread. The number of fatalities in Madison County climbed to 62; that is, about a third of those contracting the pestilence died.

About 100 officers and their families, enlisted men, and servants were residing at Thomas Barracks

at the time, and Dr. Taylor and Colonel W.F. Drum, Commanding Officer, instituted extreme sanitary procedures. The quarters were fumigated, ventilated, and whitewashed; the men were required to take a minimum of one bath a week; and careful attention was given to diet, for Dr. Taylor was convinced that overeating, particularly of fresh fruit, was a "potent element in the propagation of the epidemic." Like Dr. Taylor, city and county medical authorities were also of the opinion that dietary habits were a causative factor, and they prohibited the sale of green vegetables at local markets.

Dr. Taylor proudly reported that not a single confirmed case of cholera occurred at Thomas Barracks in 1873. He attributed this to the sanitary and dietary measures employed, but mentioned that, unlike portions of Huntsville, the barracks were located on a well-drained elevation which might also have been a preventative factor. Huntsville, however, was racked by the disease, suffering more epidemic-related fatalities than probably at any other period of its history. The populace panicked and many fled the city; nevertheless, physicians in the city remained at their posts, made their rounds, and took all measures possible, in the light of medical knowledge of the era, to alleviate human suffering. It could be said that it was their finest hour for practically every doctor in Huntsville was "severely attacked," by the disease, though no deaths among their ranks were mentioned in the official reports.

One of these Huntsville physicians, whose allegiance to the Hippocratic oath almost cost his life, was Dr. J.J. Dement. His subsequent report on the epidemic was published in the transactions of the Alabama State Medical Society for 1874 and in the report of the Surgeon-General of the United States

Army: The Cholera Epidemic of 1873, House Executive Document No. 95, 43 Congress, 1 Session, 1875. His report, which follows, throws considerable light on the medical practices of the time, the history of the epidemic, and social, economic, sanitary, and cultural conditions in Huntsville, in 1873.

DEMENT REPORT

"Huntsville is situated at the base of the last western spurs of the Cumberland Mountains, ten miles north of the Tennessee River, and eighteen miles south of the Tennessee and Alabama State line. It has an elevation of 692 feet above tide-water at the city of Mobile, in latitude $34^{\circ} 43' 44''$. In 1870 the city had, according to the United States census, a population of four thousand nine hundred and seven, of whom two thousand five hundred and thirty-two were whites, and two thousand three hundred and seventy-five were colored. There has been probably but little change since that time.

"The character of the surface upon which a greater portion of the city is built is such as to afford abundant drainage, being supplied with natural water-sheds, which prevent the water from collecting in that portion of the city. The surface-soil is dark, rich loam, with subsoil of pure red clay, resting on a solid limestone base. This portion of the city is well supplied with water, mainly from a large spring of pure limestone water which bursts from the base of the bluff on which this portion of the city is built. The water is pumped into a reservoir on the top of the hill, and from thence supplied to the city. This water, however, is by no means in universal use, as many premises have wells which yield freestone water after having been dug into the clay for a depth of from 30 to 50 feet.

"Descending gradually about 80 feet from this high and well-drained portion of the city in all directions, except easterly in the direction of the mountains, is a low, flat, ill-drained region, in which there existed many years ago a number of ponds and marshes, which have been gradually filled by washings from the adjacent elevations, as well as from the debris from the older parts of the city which have been cast into them from time to time. Many of these places still exist, and during an unusually wet season retain water until midsummer, creating malarial disorders among the individuals living in their vicinity. This made soil in many places is (sic) from 1 to 4 or 5 feet deep, beneath which is at some places a yellow gravelly subsoil, at others, a white or red clay, all of which is much more porous than the subsoil of red clay in the higher parts of the city.

"In these districts the colored population preponderate. They occupy tenement-houses, which are simply wooden huts, not elevated above the ground. The water in this district is freestone, and obtained from wells which are from 10 to 30 feet in depth. These wells, during the spring and early summer of 1873, were filled to the level of the ground with surface-washings.

"The Memphis and Charleston Railroad runs along the western border of the city, and is close proximity to the portion which is built upon made ground. There are upon this road two daily passenger-trains from Memphis and Chattanooga, which connect with the trains from Nashville, Tenn. At this point are located the railroad-shops for the eastern division of the road, and all passing trains, freight as well as passenger, change officers and men at Huntsville.

"Previous to the outbreak of cholera it was observed that we had an unusual number of intestinal diseases,

generally of a mild form; and it was also observed that we had much less of those forms of disease generally regarded as having their origin in malaria.

"For several weeks prior to the first death from cholera in our midst, the disease had been prevailing in Memphis, Nashville, and many of the smaller cities and towns of Western and Middle Tennessee; and under the direction of the board of health, which had just been organized, the authorities had the city placed in as good hygienic condition as was possible in so short a space of time.

"Near the center of the low, flat region on the western side of the city, about 150 yards from the depot of the Memphis and Charleston Railroad, and on the main street leading to the business portion of the city the first case of cholera occurred in the person of a negro girl, five years of age, the child of Toliver Thompson. The family consisted of Thompson, his wife, and five children; they had lived in the vicinity for many years; had no boarders, and received, they state, but few visitors. The occupation of Thompson was that of cart-driver, and for some time previous to the attack of his child was employed by the city in removing debris from the streets.

"Immediately south of Thompson's house was a pond which had been partially filled; but which yet contained a considerable quantity of dirty water. Almost on the brink of this pond was located the well which afforded the water-supply of the family, and which was at the time filled to the brim. On the morning of June 3, the girl was taken with a watery, painless, and odorless diarrhea. At 10 o'clock a. m. she commenced to vomit colorless water, and her mother says became very cold, restless, and thirsty. No medical aid was obtained until 5 o'clock p. m., when she was seen by Drs. Bassett, Buiford, Carter, and

the writer. The patient was in articulo mortis, and died almost at the moment of the visit. The surface of the body was found shrunken, and the skin of the hands and feet shriveled. No other case of the disease followed the death of this child.

"June 15, twelve days after the death of the Thompson child, the second of the Huntsville cases occurred in the person of Joe Smith, a negro, aged thirty-five years, who had been for several months a waiter in a restaurant in Decatur, Ala., from which town he had arrived some two weeks prior to this attack. This man had no home or employment. He slept wherever night overtook him, and ate wherever he could obtain a meal. Where he had been or what he had been doing through these two weeks cannot be determined. Smith during the night of June 15 was taken with a diarrhea, but received no medical aid until 9 o'clock a.m. the next day, when Dr. Buiford found him in collapse, and he died during the succeeding night. This case occurred in a house upon the same street, and directly opposite to that occupied by the Thompson family.

"On the 16th of June, Mrs. Susan Pollard, aged seventy-four, living one and a half miles west of the city, upon the line of the Memphis and Charleston Railroad, was taken with a slight diarrhea, was worse on the 17th, and was in cholera-collapse on the morning of the 18th. She died during the succeeding night. This lady had walked to Huntsville on the morning of June 14, and had remained with her children within one square of the houses occupied by the first and second cases until the afternoon of the 15th, when she returned home on foot over the railroad-track, and was drenched on the way by a shower of rain.

"Abner Graham, aged forty-five years, whose residence and store-house was immediately south of the premises occupied by the first case, was attacked

with cholera on the morning of the 19th of June, and died on the 21st. Two other members of his family had the disease within a few days, but recovered. Larkin, a negro, aged twenty-six years, who waited on Mr. Graham, and who assisted in shrouding his corpse, took the disease on the night of the 21st of June, and died at 8 o'clock a. m. of the 22d. The same day (June 21) a negro child living in the house in which Joe Smith had died was taken with the disease, and died in six hours.

"From this case it is impossible in this portion of the city to trace the connection of the cases; the disease became epidemic, attacking alike white and black, and extending in all directions. Taking the house in which Joe Smith died as a center, and describing a circle of four hundred yards in diameter, we find that fifty cases of cholera occurred in that area within the space of ten days from the development of the disease in the person of Smith.

"On the 16th of June, the disease was introduced into the eastern portion of the city through the person of Louis Harris, a mulatto fifty years of age, who was the proprietor of a drinking-saloon, which was a place of great resort for negroes from all portions of the city. Harris was taken with cholera while at his saloon, which was in the center of the city, and was immediately removed to his home, which was in a locality known as Georgia, inhabited almost entirely by negroes.

"This eastern portion of the city has the same physical characteristics as the western portion, the same defective drainage, the same character of water, and the same kind of ponds and marshes.

"Harris was fully collapsed in the afternoon of the 16th, but reacted during the night, slowly recovered, and was discharged quite convalescent on the fourth day.

"June 23, five negroes who lived in the immediate

vicinity to Harris were taken with cholera, and all died within thirty-six hours. At this time the use of well-water was forbidden by the board of health in this portion of the city, and the people were supplied with water from the Great Spring, which was carted in quantities for their use by the city authorities. This supply of water was furnished for the space of one week, during which time no new cases of the disease occurred, when the negroes, thinking themselves secure, resumed the use of the well-water and, within four days, six fatal cases of cholera occurred in the same vicinity. The use of well-water was again prohibited, and again, the progress of the disease was arrested.

"When it became generally known that cholera was epidemic in the city, many of the citizens removed to the country with their families. Among these families six cases of cholera are known to have occurred. One gentleman sent his family to his plantation, ten miles from the city. After remaining there for three weeks they returned to Huntsville and remained two days, and again went to the country. Three days after their return from the city, a little boy in the family was taken with cholera and died in a few hours; the same day a lady, fifty years of age, was attacked, but recovered. The family now returned to their home at Huntsville, when all, both white and black, were affected with the disease, from which an additional death occurred. None of the workmen or their families on this plantation were affected with the disease.

"Forty or fifty persons removed from Huntsville during the epidemic to Monte Sano, a mountain four miles east of town. Among these persons there were three cases of cholera, one of whom died. One case was attacked in two days, one case in fourteen days,

and one case in twenty-three days after they had left Huntsville.

"Some persons took refuge at Johnson's Well, a watering-place nine miles north of Huntsville. At this time there were nearly ninety visitors at the wells. One case of cholera occurred, and died after an illness of thirty-six hours. No other case occurred.

"A negro woman, who lived six miles in the country, came to town to visit her daughter, who was ill with cholera. She remained three days and returned to her home. On the sixth day after her return she was taken with the same disease and died. On the plantation were about sixty persons, but among them no new cases occurred.

"The high and well-drained portions of the city remained almost exempt from the disease, only eight or ten cases having been reported, and among them only two deaths.

"During the prevalence of the epidemic we had every form of the disease, from slight borborygm, with watery, easy diarrhea, to that of the most malignant type. Under these circumstances it is impossible to give more than an approximation to the number of cases. We have, however, reports of about one hundred and fifty cases so well defined as to leave no doubt as to their true character. Of the whole number there were fifty-one deaths; of these seventeen were whites and thirty-four were negroes. Very nearly all the cases which terminated fatally were found in a state of collapse by the attending physician when first called to see them. Only four cases are reported as having recovered from this condition. The disease was found to be amendable to treatment, if seen in the early stages. The last case which was reported occurred on the 29th of July. "

The report of Dr. Dement, and those of hundreds of physicians across the nation assembled by the Surgeon-General, provided, in aggregate, a clear picture of the epidemic. It became evident that the poor were, in numbers, the greatest victims of the disease, and that the reason for this was the fact that they often had no access to safe water supplies and sanitary sewerage facilities. The debate among medical circles as to causative factors and treatment was to continue for some years, but municipal and state governments throughout the nation took action to establish boards of health and other medical agencies as guardians of the public health, to develop adequate methods for water and sewage treatment, and to construct the necessary sanitary facilities.

In twentieth-century America, the public seldom hears of a case of smallpox, yellow fever, typhoid, or cholera. This has been largely the result of the activities of the medical profession and enlightened governmental action at all levels. Insofar as cholera is concerned, preventative measures, including water supply purification, sanitary sewerage systems, and immunization, have checked the disease in the United States, though it is still endemic in certain other countries. In summary, the public support generated by the epidemic of 1873 and the extensive study of the disease which followed appear to have contributed materially to the health of the citizens of the United States. But perhaps the words of Assistant Surgeon Ely McClellan, United States Army, in his report on the epidemic of 1873 bear repeating:

Eternal vigilance is the price paid for the safety of the republic, and eternal sanitary vigilance should be exercised by national, State, and municipal authorities.

ALABAMA MAKES HER DEBUT INTO THE UNION

By G. W. McGinty

Almost immediately following the end of the War of 1812, the nation began a period of reconstruction and expansion. A tariff was enacted by the Congress to protect the infant factories that had been built; the military was reorganized to provide a more efficient army and navy; the finances were revised and a Second Bank of the United States was chartered; and a program of internal improvements was launched calling for roads, canals, etc. to facilitate trade and communication between distant points.

The movement westward was accelerated by the admission into the Union of the states of Louisiana (1812), Illinois (1816), Mississippi (1818), Alabama (1819), and Missouri (1820). The energetic young nation was seeking new farms, new products, and new adventure which brought unheard of growth and prosperity by 1825.

The cotton gin was proving that growing cotton with slave labor could be profitable. People were leaving the older settled states of the Atlantic seaboard and moving west in search of fertile lands. The sons and sons-in-law of the slave holders from Virginia to Georgia were searching for cotton lands. Lesser folk came west for adventure, or to escape the law or debts back east. All were on the move to some degree.

Georgia did not cede her western lands to the United States until after the scandal of the Yazoo Land sales of 1793. These land claims cast a cloud over titles in the area organized as the Mississippi Territory, comprising most of the present states of Mississippi and Alabama. The Indian claims had to be disposed of before the area could be surveyed and sold to white settlers.

However, there were settlements around Mobile and along the Mississippi River dating back almost a hundred years. Around 1816 the Indians relinquished most of the land in what is now Alabama. Up to that date a majority of the settlers of the Mississippi Territory were along the Mississippi River and the territorial capital was first at Natchez and then Washington, a few miles east. Prior to 1816 the American settlers were concentrated in the valleys of the Alabama, Tombigbee, and Tennessee Rivers. Territorial delegates from the areas found it inconvenient to travel the great distance to Washington, where they were outnumbered and outvoted. Hence, in 1803 they began agitating for a division of the territory. They complained in 1816 that there were eight delegates from the settlements east of the Pearl River and sixteen delegates from west of that river, notwithstanding that the east had more free whites than the west. Senator George Poindexter had proposed in 1811 that Congress divide the Mississippi Territory with a line beginning at the mouth of the Yazoo River and running east to the Chattahoochee. Strong opposition killed the proposal. By 1800 a number of Americans had settled along the Alabama and Tombigbee Rivers where they experienced extreme hardships and privation because of isolation and Indian raids. Captain John Hunt built the first cabin in Huntsville in 1802, but he was not the first settler in the Tennessee Valley. Evidence indicates that the settlers

in this valley did not suffer as much privation, nor as many hardships as the earlier settlers in the river valleys to the south. The Alabama-Tombigbee settlers, however, had made economic and cultural progress by 1812, at which time Huntsville was one of the most promising villages on the American frontier and Madison County was conspicuous for its wealth and culture.

The rifle, axe, froe, and cow-bell were necessary accouterments for a comfortable existence on the frontier. The dwellings were small cabins built of rough poles with dirt, or rough plain puncheons, for a floor. The wardrobe consisted of wooden pegs attached to a log in the wall. Split logs were used for settees and chairs were blocks of wood. The master of the house had few tools with which to fashion his house and furniture. A mere opening through the woods was called a road and travel was on foot, horse-back, or ox wagon. A house-raising, a wood-chopping, or a log-rolling was a social event. Life was hard and somber but it did have excitement, romance, and some fun. The young folks frolicked at play parties in the log cabins and wedding festivities were a time of merriment.

The Indians had to relinquish their claims to the land before the land was surveyed and offered for sale at public auction. The land office for land sales in North Alabama was at Huntsville and the land office for South Alabama was Milledgeville, Georgia, at first, but later offices were opened in Mobile, St. Stephens, Cahaba and Tuscaloosa. Land sales generated nationwide interest. Men came from every part of the country to participate. Speculation in land was common. The opportunity for quick wealth by speculation generated conditions for still quicker wealth by swindling. The swindlers cooperated and one association of swindlers was said to have cleared approx-

imately two thousand dollars each on one transaction. The situation became so notorious that the Federal government authorized its agents to bid against the combinations when they thought it advisable at the land auctions.

The law of 1800 reduced the minimum tract to be sold to 320 acres and in 1804 it was reduced to 160 acres and the minimum price was \$2.00 per acre. The purchaser paid one-fourth of the price in cash and one-fourth each year thereafter until paid in full. The panic of 1819 caused a number of people to lose what they had previously paid, when they were unable to meet the annual installment. Congress responded in 1820 by reducing the minimum tract to eighty acres and the minimum price to \$1.25 per acre, provided it was a cash transaction. Following the auction the unsold land could be entered at the minimum price.

All land west of Madison County on both sides of the Tennessee River was offered for sale in 1818 through the Huntsville land office. Sales that year totaled \$7,000,000 with only \$1,500,000 of this sum paid in cash, over \$1,000,000 of which was Yazoo scrip. Men from Virginia, Georgia, Kentucky, and Madison County organized companies to speculate in these land sales. Some prominent Tennesseans bid against these speculators and bid the price up \$50 to \$100 per acre for the best land in the Tennessee Valley. Average cotton land sold from \$20 to \$30 per acre.

The prevailing situation was ripe for a rush to the unoccupied lands to be relinquished by the Indians. The influx of immigrants was so great in 1816 and 1817 that the Indians and scattered pioneers did not have enough corn to meet the needs of the newcomers. Corn along the road from Huntsville to Tuscaloosa sold for \$4 per bushel. The commodity became so

scarce among the Indians that the government extended relief in 1817 to forstall widespread starvation.

Immigrations were accelerated after 1815, even though the Indians had not completed their cession and the land had not been surveyed. The immigrants simply "squatted" on the land they wanted in spite of the law and the efforts of the government to prevent the intrusion before the sale at auction. It was difficult to remove these squatters. When troops arrived to burn the cabins of those who refused to evacuate, the squatters would return, rebuild their homes and resume life as usual. The problem persisted after the land was surveyed and put up for sale. Any man who would bid against the squatter for the land he had cleared and lived on for years was considered pretty low by all frontiersmen. Such a heartless purchaser would be ostracised, or run out of the community, if he gained title to the squatter land.

The earliest immigrants used the streams for ingress and transportation. Later the Federal Road from Athens, Georgia, to New Orleans passed through the southern part of the territory, and the Natchez Trace from Nashville to New Orleans traversed the northwestern corner, crossing the Tennessee River in the vicinity of Muscle Shoals. Another road from Augusta, Georgia, to Knoxville, Tennessee, had a spur connecting it with Huntsville. Huntsville had a road to Tuscaloosa, at the head of navigation on the Black Warrior River. This road passed through Jones Valley where present day Birmingham is located. A portage road connecting tributaries of the Tennessee with those of the Coosa River was used for travel and freight.

After purchasing new land in Alabama the prospective immigrant returned to his home, sold it, packed his household goods and farm implements on

wagons and began the journey to his new home. The slaves drove the herds of cattle and hogs, while the planter's family brought up the rear in a carriage. It was a tedious journey. The smaller streams were forded and the larger ones were ferried. Men and boys hunted along the way supplying the caravan with fresh meat. All gathered around the campfire at night to prepare the food, discuss the events of the day, and re-assess the plans for the next day or until they reached the journey's end. Quite often there was singing or other festivities.

On reaching his new land, the planter constructed a log cabin, which usually consisted of two log pens joined by a passageway or hall with a chimney at the end of each pen. These passageways were known in some sections as "dog trots." The chimneys were built of stone, if stone was available, if not, clay was used. The chimney was framed and the wood sticks were daubed with clay making the walls eight to twenty-four inches thick, the thickest part being at the bottom and thinning toward the top. The huge open hearths served for heating and cooking. A "lean-to" might be attached to one or both rooms in the rear. Later, as the family increased, additional "lean to's" might be constructed on the front or at the ends. The attic provided sleeping areas for the boys.

Before sawmills were constructed in the area, the floors were made of puncheons, or logs split in halves with the flat side upward. The space between the logs of the wall was filled with clay; the doors and shutters were of crude boards and the roof was of hand-split boards or shingles. In such a dwelling, the planter who brought his household furnishings could establish a kind of rude comfort, which sufficed for even the wealthiest immigrants in the first year's sojourn.

Miss Anne Royal described Huntsville in 1818 as a

rich and beautiful town of about 260 houses with a bank, courthouse, and market house. The square in the center of the town had twelve stores facing it. Many of the houses were constructed of brick and some were three stories high. The citizens were described as gay, polite, and hospitable.

Most of the small farmers came to the area with little or no property. Their household property and farming equipment were crude. In many instances their cabins only had dirt floors. They had come into the new country in search of economic freedom rather than to seek a fortune. These hardy pioneers sought subsistence for their family rather than cotton lands and accessible locations because they did not possess capital, and because it was not to their interest to do so. They, therefore, were not dependent on the price of cotton. A secluded nook would serve them well for they loved the freedom of the forest, the rifle, and the axe. They built their cabins, cleared small patches of land for corn and other foods and turned their hogs loose to roam the woods and multiply. The cattle likewise found subsistence in the woods and meadows.

In spite of the mixture which was produced by the flow of immigration into Alabama, three areas can be distinguished that have peculiarities characteristic of the predominant element in the population. For example, the preponderance of Tennesseans in the Tennessee Valley gave a strongly democratic flavor to the political ideas; in the Tombigbee-Warrior Rivers region, where the Carolina-Virginia immigrants predominated, there was a flavor of political conservatism; and in Montgomery County the influence of Georgia politics was clearly discernible. Nevertheless, there were other factors that were very potent in shaping opinions and politics along with the origin of population.

When Congress passed the enabling act for statehood, the seven eastern counties of the Mississippi Territory were designated the Territory of Alabama on March 3, 1817. President James Monroe signed the commission of William Wyatt Bibb as governor of the territory on September 25, 1817. The laws in force in the Mississippi Territory would remain in force in the new territory until changed by the Alabama Territorial Assembly. Thus the Mississippi officials functioned during the interval from March to September, 1817. St. Stephens was named the capital of the new territory and the first Territorial Legislature met there in two rented rooms of the Douglas Hotel on January 19, 1818. The thirteen members of the House of Representatives elected Gabriel Moore of Huntsville, speaker. The Council or Upper House, was composed of three members chosen by President Monroe from six names submitted to him by the territorial House of Representatives.

Governor Bibb recommended to the Legislature the promotion of education and internal improvements. The Legislature created thirteen new counties; divided the Alabama Territory into three judicial circuits; incorporated a steamboat company, a bank at St. Stephens and an academy; and elected John Crowell the first delegate to Congress.

The second session of the Legislature convened in November, 1818, created two new counties, and spent much time arguing over apportioning representatives from South and from North Alabama. The Tennessee Valley was the most populous and desired representation of white population only. This would give Madison eight representatives, whereas, the next most populous county would have four. South Alabama finally accepted this and agreed that the temporary capital be moved to Huntsville, but the permanent capital remain at Cahaba.

A census indicated that the population of Alabama exceeded 75,000 at this time. People were arriving so rapidly that it was difficult to get an accurate count. The Huntsville Republican, in April, 1819, estimated that the population was 100,000. The Legislature was optimistic over the chances of Alabama being made a state and authorized appropriations to pay the expenses of a State Constitutional Convention. At the same time the Legislature approved a petition for statehood, written by Clement Comer Clay and John W. Walker, Speaker of the House, both from Huntsville. Walker was directed to send copies of the petition to President Monroe, the territorial delegate, the Speaker of the House of Representatives, and to United States Senator Charles Tait of Georgia.

When Walker forwarded the petition to Senator Tait, he enclosed a letter stating that "I have---always regarded you as the effective delegate of the territory: and you will have seen that our House payed (sic) you the compliment of presenting to the Senate our Memorial for Admission to the Union." He asked Tait to work for admission of Alabama with the apportionment bill passed by the Territorial Legislature as the basis for apportionment of representation in the Constitutional Convention, and that Huntsville be the meeting place of the Convention.

Senator Tait wrote the Alabama Enabling Act, served as chairman of the committee to which it was referred, and steered the bill through the Senate. He successfully opposed the efforts of the Mississippi senators to change the boundary line of 1817. John Crowell, Alabama's territorial representative, presented the petition from South Alabama people opposing the "White" basis of apportionment as passed by the last Territorial Legislature, but failed to impress the House which approved the enabling bill as passed by

the Senate. President Monroe signed it March 2, 1819.

The Constitutional Convention was to have forty-four members and was to meet in Huntsville. Two townships of land were granted for a seminary and the 640 acres given in 1818 for the capital at Cahaba were increased to 1620 acres. The sixteenth section of each township was set aside for the public schools and three per cent of all land sales within Alabama were to go for internal improvements

There ensued two months of spirited campaigning for delegates to the Convention. Madison had twenty-two candidates for the eight positions from the county; Limestone had seven candidates for three positions and Cotaco four for two positions. Madison had eight delegates; Monroe four; Blount and Limestone three each; Clark, Cotaco, Franklin, Lawrence, Montgomery, Shelby, Tuscaloosa and Washington two each; and the remaining counties each had one delegate. The delegates from Madison included lawyers and lawyer-planters who were well educated and particularly interested in political theory.

The Convention which met in Huntsville on July 5, 1819, was composed of eighteen lawyers, four physicians, two ministers, a surveyor, a merchant, and four planters or farmers. No information on the other delegates before or after the Convention was found. Nine of the delegates were former judges or legislators in their home states. For instance, Harry Toulmin, ex-president of Transylvania University, had been secretary of state in Kentucky and judge in the Mississippi Territory. William Rufus King had been a member of Congress from North Carolina, 1804-16, and secretary of the American legation in St. Petersburg, Russia. Israel Pickens was a member of Congress from North Carolina, 1811-17, and Marmaduke Williams had also represented North

Carolina, 1803-17. At least eight delegates had some college training. Six delegates later became governors of the state; six became judges of the Alabama Supreme Court; and six represented Alabama in the United States Senate.

The birthplace of twenty-eight delegates has been ascertained and fifteen of these were from Virginia; five from North Carolina; Georgia and South Carolina each furnished two; Delaware, Pennsylvania and Vermont one each; and one was a native of England. The average length of residence in the Alabama Territory of twenty-six delegates was five years. William Rufus King had been in the territory only one year, whereas, Israel Pickens and Henry Hitchcock had been here two years. Oldtimers like Harry Toulmin, John W. Walker, Marmaduke Williams, Clement C. Clay, and Thomas Bibb had been in the territory fifteen, nine, nine, eight, and eight years, respectively. Governor Bibb was not a member of the Constitutional Convention, but two of his brothers, Thomas Bibb, and John Dandridge Bibb represented Limestone and Montgomery Counties respectively.

The Convention unanimously elected John W. Walker to preside over the sessions and John Campbell was made secretary. Thus, Huntsville furnished the officials and influenced the work of the Convention in many ways. Besides, North Alabama had twenty-eight delegates to sixteen from South Alabama. The proceedings were conducted informally and with little decorum. Strict parliamentary procedure was not followed. Secretary Campbell wrote his brother in Tennessee that President Walker "knew little more parliamentary proceedings than your boy Richard, although an accomplished scholar." Campbell also wrote his brother that Thomas Bibb, one of the leaders of the Convention and Alabama's second governor

"gets sometimes in his cups; and during the sitting of the convention when in that situation would keep the house in a roar for an hour at a time."

Five days after the Convention opened, Campbell wrote his father in Virginia: "The convention is composed of forty-four members and I have never seen in any deliberative body for the numbers more urbanity and intelligence. It would do no discredit to any country however old and respectable."

A committee of fifteen was appointed to write the Constitution. Of these, eleven were lawyers, three were physicians, and one a merchant. Most of them were also planters. The majority of the committee was from the Tennessee River, the lower Tombigbee, and Alabama River valleys. Seven counties with a slave population of forty per cent or more had nine of fifteen members; six counties with a slave population between thirty and forty per cent had five members; and nine counties with a slave population of less than thirty per cent were represented by only one member. Thus, eight counties with a slave population of less than thirty per cent had no representative on the committee. Madison County, with a slave population of forty nine per cent, had three members. North Alabama had a majority with eight and South Alabama had seven. The Chairman was C. C. Clay of Madison. These statistics indicate the influence the slave holders exercised over the Convention.

The original draft of the Constitution, prepared by the committee of fifteen, was changed only slightly by the Convention. It contained a preamble and six articles: (1) a declaration of rights, (2) the separation of powers, (3) the legislature, (4) the executive, (5) the judiciary, and (6) the general provisions, with sections on education, banks, slavery, amending procedure, and a schedule for putting the constitution into effect.

The only name suggested for the new state was "Alabama." There was no mention of submitting the Constitution to the people for approval, because this had never been done. Minnesota in 1857 was the first state to have her Constitution approved by popular vote.

The framers of the Alabama Constitution were guided by experience, the practices in other states, and by the economic situation at the time. This fact is evident in the qualification for voting, holding office, appointive power given the governor, election by the Legislature or by the people, the freeing of slaves, and the provision for slavery. The economic situation in 1819 must have been of deep concern to the delegates and especially speculation in land. Land near Cahaba in the Black Belt, for instance, sold for \$150 per acre the previous year.

The Constitution was evaluated as a "mixture of liberalism and conservatism, a product of the past and forerunner of the future." Another critic thought that the document conformed more to that of Mississippi than to any other state's, but was regarded as more democratic in suffrage, office holding, popular elections, protection of slaves, the amending process, religious restrictions, and education.

A voter had to be a white male, twenty-one years of age, a resident of the state one year and of the district three months. He was required to be a member of the militia, unless exempt by law from military service. This was undoubtedly the result of the Indian menace at the time. It was not required of the voter to own property or be a tax payer.

The Federal ratio was set as the basis of apportionment in the State Legislature; annual elections and annual sessions of the Legislature were provided; the governor was given the veto power and some appointive

power; and he was required to be elected by the people every two years.

The governor's veto could be overridden by a majority of the elected members of each house. The Legislature, by joint vote, elected all state judges. The judges held office during good behavior and could be removed by the governor if approved by two thirds vote of the Legislature. There was no property qualification for membership in either house of the Legislature. Another unusual provision was that slaves were granted trial by jury in cases more serious than petty larceny, and in case a slave suffered personal injury, the offending party should be punished just as though the person injured had been a white man. Owners could emancipate slaves and the Legislature could prohibit acquiring slaves as merchandise.

All forty-four members of the Convention signed the Constitution on August 2, 1819. It was transmitted to Congress, which accepted it the first Monday in December of that year. President Monroe signed it on December 14, 1819 and Alabama became the twenty-second state of the union on that date.

One analyst thought two factors at work in the state shaped the Constitution. These factors were the frontier, which was a leveling force regardless of property or social background. It tended to put all men on the same basis. Opposed to this was a force tending to build up or create an aristocratic class. This tendency was already evident in the Tennessee, Alabama and, lower Tombigbee river valleys. This element was composed of planters from Georgia, Virginia, Tennessee, and the Carolinas and was based on the plantation slavery system. These planters, as a rule, were educated and trained for leadership and were already steeped in plantation-slavery tradition

when they came to Alabama. It has been suggested that this social class furnished the leadership of the Convention and dominated the Committee of Fifteen which wrote the original draft of the Constitution. Changes made to the original draft were the work of plain men who came largely from the "white counties."

The personal visit of President Monroe to Huntsville a few weeks before the Constitutional Convention convened might have enhanced the prestige of the Huntsville leaders in the Convention. Whether it was so intended is doubtful. The visit of the President seems to have been an incident in his tour of the South to inspect the forts and to ascertain locations for new defences if necessary. The city of Huntsville sought to express its appreciation of the honor by giving a public dinner for the President. Most of the prominent men and women of the Valley attended and made it a festive occasion. The President was saluted with the firing of cannon, patriotic songs were sung and toasts were drunk "to the President, to the Constitution of the United States, to national heroes and celebrities, to the army and navy, to the late treaty with Spain, to the women, to education, to the industries, to Alabama, to the people west of the Mississippi, to the friends of freedom in South America, to public sentiment, etc." The President's visit served as a tonic to stimulate the hopes and aspirations of a people on the verge of assuming the duties and responsibilities of statehood.

In the election of 1820, William Wyatt Bibb received 8,342 votes to 7,140 for Marmaduke Williams in the race for governor. The first Legislature chose John W. Walker and W. R. King to represent Alabama in the United States Senate. Charles Tait became the first Federal judge and William Crawford was appointed the first Federal district attorney for Alabama.

The first Legislature met in Huntsville in October for a six weeks session. It created six new counties; passed a law forbidding dueling; tried to prevent fraud at public land sales; created a system of patrols to preserve order among slaves and to capture runaways; and leased salt springs and lands donated by the Federal government. Religious societies were extended the right to incorporate and to hold real estate not to exceed fifteen acres. A university was chartered; however, its location at Tuscaloosa was not made until 1827, and it did not open its doors until 1831.

Immigrants continued to come into the new state and the census of 1820 recorded 127,901 people. This number increased to 309,527 ten years later. The percentage of negroes in the total population increased from thirty-one to thirty-eight percent between 1820 and 1830. It was estimated that one family in four owned slaves.

This cursory description of the economic, political and social situation of Alabama as she acquired statehood during the Era of Good Feeling leaves much to be said. Nevertheless, it is the fervent hope of the writer that it has in some measure fulfilled your expectations in a similar spirit to that of the old lady who thought that a remarriage could not offer more comforts than she was enjoying.





