

Two Dollars



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The Sanford home on Madison Street was built in two stages - the one-story wing on the left was built during the Federal era, circa 1827, while the two-story section on the right was added circa 1858. The Italianate influence is evident in the long, arched windows of the addition and the wide porch with railing which flanks the basic Federal portico. The Federal-style windows on the front of the older section were changed at the time to match the new windows.



COVER:

The White-Turner-Sanford House at 601 Madison Street.

PHOTOGRAPHS: by William J. Stubno, Jr.: pp. 2-13.

ILLUSTRATIONS: by Judy Broliar: pp. 24, 26.

THE WHITE-TURNER-SANFORD HOME: Legacy of an Elusive Virginian

by William J. Stubno, Jr.

Located on Madison Street, the White-Turner-Sanford Home stands as an architectural monument to a time when America was a young republic. Constructed of brick, it is essentially a one-story Federal house with a two-story Greek Revival addition built just after the Civil War. The one-story section, containing Federal period mantelpieces and woodwork, has a "center hall" floor plan with side ell. A beautiful portico, moreover, adorns the entrance. The addition, with Greek Revival mantels and trim, has Italianate-influenced arched windows which give the structure an eclectic quality.¹ Only minor alterations, mainly the addition of a kitchen and bath, are in evidence.

The tract upon which the house is located was originally purchased from the Federal Government by LeRoy Pope, a town father, in the land sales of 1809.² According to land records, this tract was divided by him into various lots. On January 13,

1827, he sold one acre of this land to James White, a Virginia merchant, who paid \$568.21 for the lot then located "near the town of Huntsville. . . ."³ Shortly after the transaction, White began building a home on the newly-purchased property along Madison Street.⁴

James White, who first came to Huntsville around 1825, initially intended to stay in the Huntsville area for only a short time, but the traveling businessman decided to settle permanently in the community. Subsequently, he went back to the "Old Dominion" in order to bring his family and personal property to Alabama.⁵ Upon his return in 1826, White placed in a local newspaper an advertisement which stated:

The subscriber, with the liveliest feelings of gratitude to his friends, and a generous public, for the support and patronage [sic] afforded him in his

first attempt to do business in this place, begs leave to inform his old customers and the public generally, that he has returned from Virginia, (whither he was compelled to go after his family) and intends locating himself permanently in Huntsville, and is now receiving from Philadelphia, New York, and New Orleans, a large and general assortment of groceries, Liverpool and Glass Ware, Mens fine Hats, Stone Ware, Castings, Nails, Paints, Oil, etc., etc., all of which are of the best quality, and will be sold low for cash.⁶

The newspaper revealed, furthermore, that White's established business location was situated just off the Square in a building previously "occupied by J. A. Tully, between Estell's corner and S. Coltart's."⁷

Establishing a business was a hazardous undertaking in Huntsville's early period. White's endeavor in such mercantile pursuits was no exception. In fact, a series of economic reversals, due in part to his desire to become a wealthy merchant at any cost, placed him in the position of not being able to meet his creditors' demands.⁸ His use, in particular, of the deed of trust to secure credit for various enterprises led to his eventual insolvency.

Upon his decision to enter into a deed of trust,

White agreed, in exchange for a loan, to have a mortgage or lien placed upon his lot with a third party as trustee. If he defaulted, the trustee then had the obligation to sell the property to secure payment of the debt.⁹ White entered into these agreements on several occasions, the first within days of his purchase of the lot from Pope.

On January 16, 1827, the merchant initially deeded his property in trust to Dr. Alexander Erskine, a local physician, to secure payment to Bennett H. Henderson, a creditor, who loaned \$582.72 to White. After a short time, White paid his obligation to Henderson.¹⁰

White deeded his property in trust a second time to United States Marshal Benjamin Patteson on April 14, 1827.¹¹ The instrument stated that White owed \$821.28 "for value received" to Thomas and William Brandon. That debt, consisting of obligatory notes, dated January 20, 1827, was payable in three installments, the last due on Christmas Day 1829.¹²

Since the Brandons were early builders of brick and stone buildings, the lien on White's lot, in all probability, served as security for the eventual payment to them for the building of a house on his property.¹³ In fact, other local individuals at the time, among them Lemuel Thurston and Dr. Dabney M. Wharton, entered into deeds of trust with the Brandons for construction work on their lots.¹⁴ State law,



On the north side of the house, the two windows at left are typically Federal in style, with sashes of nine panes over nine panes; the two windows at right were changed to the more stylish sashes of the mid-nineteenth century, having four panes over four panes.

moreover, declared that master builders or mechanics who contracted to build homes and to perform other related work, were at least entitled to a lien on the building or work until the other party paid for the service.¹⁵

Although White's deed of trust with the Brandon brothers did not specifically state that the lien was made in order to secure payment for the construction of a house on his lot in 1827, the evidence pointed unequivocally in that direction. For instance, White again entered into a deed of trust in February 1828 to secure a loan he received in December 1827. For collateral, White used

his lot on which the Brandons still had a prior lien (the deed of trust of April 14, 1827). The February 1828 deed of trust additionally stated that White had "lately erected a brick dwelling" on the lot. Therefore in all probability, the one-storey Federal section of the house was built by the Brandon brothers for James White in 1827. (Federal architecture predominated in Huntsville in 1827.)¹⁶

With a new dwelling on his lot, White was still somewhat financially secure for the remainder of 1827. In fact, he probably thought that he could pay his debts because of the many past

favors of friends and the "public patronage" he enjoyed.¹⁷ In his business dealings, moreover, he stated that he was "determined to adhere strictly to the cash system."¹⁸ Notwithstanding good intentions, the would-be entrepreneur continued to borrow heavily.

On December 1, 1827, White signed three notes, each stating that he owed \$583.65 1/2 to Robert Payne, an early investor.¹⁹ In order to secure payment of this obligation, White's house and lot were deeded in trust the following February to Isaac Williams, a local manufacturer of "tinware, rain spouts, and gutters."²⁰ White also owed businessman Patrick Austin \$181.07 1/2, an additional obligation mentioned in the same deed of trust.²¹ The instrument described the property as follows:

. . . all that parcel or lot of land now situated within the incorporated limits of Huntsville being the same whereon the said White hath lately erected a brick dwelling and other improvements and the same whereon he now resides containing (more or less) about one acre.²²

Although White was now obligated to Payne and Austin, the prior "claim of Thomas and William Brandon secured by a deed of trust on the same property" had to be satisfied first, according to the law.²³ The businessman, however, was not in a posi-

tion to meet all of his creditors' demands.

By the spring of 1828, White finally reached a point of acute financial instability. In March, for instance, he was arrested because he could not pay \$90.55 1/4 to Edmond Young, a county resident.²⁴ The merchant was eventually released, but only upon "giving bond to take [an] insolvent debtor's oath. . . ."²⁵

The incident of White's arrest, as well as other embarrassing situations depicting White as a poor credit risk, perhaps prompted him to leave Huntsville. Toward the latter part of 1828 or early 1829, he moved to the town of Decatur, located across the Tennessee River in Morgan County, Alabama.²⁶ Wishing to sell his house, he placed an advertisement in the *Democrat*, a local newspaper:

I will sell my house and lot in the town of Huntsville; the lot contains one acre; the house is of brick and entirely new, commodious [sic], and neatly finished. The terms as to price, and payments, will be moderate and accommodating. An application to be made to me at Decatur, Morgan County, by letter or otherwise.²⁷

Although White's notice continued to be printed in the paper throughout most of 1829, he could not sell his newly-built residence. Subsequently, he rented it for a



This frame addition at the northeast end of the brick house was apparently built during the Federal era. Note the tapered rake fascia (boards forming an angle at the gable), the boxed eaves, and the uneven clapboard.

time to John J. Coleman, a young attorney.²⁸ Later in the spring, John Bradley, who operated a cotton freighting business with William B. McDowell, moved into the brick home.²⁹

Shortly after Bradley occupied White's house, Robert Payne transferred White's notes, dated December 1, 1827, to Bradley.³⁰ Although this exchange did not cause any great problems initially, the move placed White's new tenant in the position of also being one of his creditors.

In May 1829, Bradley executed a note stating that he promised to pay \$200.00 to White "for the rent of the

said premises for the year 1829."³¹ However, White later transferred the note to John Phillips, an agent, in satisfaction for a debt he owed to Phillips. Further complicating the situation, Bradley eventually refused to pay the rent for 1829, whereby Phillips, in White's name, filed suit against Bradley in the Madison County Court.³²

When the case was brought before the judge in February 1830, Bradley's attorneys failed to make an appearance during the proceedings, causing the defendant to lose by default. Since Bradley was unaware that his lawyers did not appear until after the verdict, he filed a bill of

complaint for a new trial in the Madison County Circuit Court in Chancery.³³

Although Bradley faced difficult times ahead, his problems were minor in comparison to White's misfortunes, evidenced by the fact that White's total obligation to the Brandons could not be met. His house and lot, therefore, were advertised for sale in late 1829 and early 1830 by his trustee, Benjamin Patteson.³⁴ The notice, printed in the **South-ern Advocate** newspaper, declared:

By virtue [sic] of a deed of trust executed the 14th. of April 1827, by James White to me, for the benefit of Thomas and William Brandon, which deed is duly recorded in the proper office, I will sell at public sale for cash, at the courthouse in the town of Huntsville, on the 22nd. day of February next, the HOUSE and LOT belonging to James White, now in the occupancy of Mr. John Bradley. . . .³⁵

Actually, White's property was sold on February 23, 1830. The purchaser, Benjamin Franklin West, owner of a "general agency and commission business" in New Orleans, paid \$610.00.³⁶ The price, however, was not enough to satisfy the Brandon claims.³⁷ Taking advantage of an opportunity to secure an additional claim against the property, Bradley paid the interest still owed.³⁸ On the same day that the property was sold, the Bran-

dons wrote in the margin of the original deed of trust this inscription:

Our interest in this deed of trust is hereby transferred to John Bradley - he having satisfied us for the same we're not to be responsible to said Bradley for the solvency of the maker of said deed and are considered only as transferring our interest in said deed, and nothing more.³⁹

Since the lot was not without encumbrances, namely Bradley's claims against White affecting title to the property, the lot was sold "without warranty. . . for any defect. . ." ⁴⁰ Additionally, Bradley's refusal to pay the rent for 1829 was connected to one of those claims. Reasons for the refusal were presented as part of his bill of complaint before the Circuit Court in Chancery in May 1831.⁴¹

In his testimony, Bradley told the judge that his two counselors, Arthur F. Hopkins and James G. Birney, the latter of whom was the noted abolitionist (Birney later ran for the Presidency of the United States), did not make an appearance for him in County Court because of a misunderstanding. That misunderstanding, according to Bradley, centered around the fact that they misinterpreted their client's wishes to represent him in all legal matters without reservation. In view of the fact that they did not fully comprehend those arrangements, the at-

February Term 1830

1829	Samuel Keaton	Oct 50	100	of 12 July 1829 per my 1830
		Jan	4 00	
		Jan	2 00	
1829	269	as	Oct	5 00
			Shff	1 50
	Thomas Loring	Oct	5 00	
1829	Patrick Austin	Oct 66	96	of 12 July 1829 per my 1830
		Jan	5 60	
		Oct	4 50	
1829	3170	as	Jan	2 00
			Shff	1 50
	John H. Melton	Oct	4 00	
1829	William Wright	Oct 75	60	of 12 July 1829 per my 1830
		Jan	10 60	Shff 1830
		Oct	4 50	
1829	3171	as	Jan	2 00
			Shff	1 50
	Thomas Morgan	Oct	4 00	
1829	Henry Cook	Oct 47	80	of 12 July 1829 per my 1830
		Jan	2 00	Shff 1830
1829	3172	as	Oct	4 00
	David M. Collins	Oct	1 00	
1829	James White	Oct 200	00	of 12 July 1829 per my 1830
		Jan	2 00	March 1830 Shff
1829	3621	as	Oct	2 00
			Shff	1 50
	John Bradley	Oct	6 00	

Page from the Madison County Court Execution Docket Number 3, 1825-1831, February Term 1830. Case #3621, James White versus John Bradley, is listed, with notations, in the bottom block of the page.



LEFT: The front doorway has a Federal six-panel door with the old rimlock still in place, plus a transom above. The door panels are raised on the interior side and flat on the exterior. Baseboards are of the narrow Federal style, although quarter-round and toe mouldings have been added at top and bottom.

RIGHT: Four-panel doors with raised panels are used in the Italianate wing.



torneys did not make an appearance, thus preventing their client from preparing a case.⁴²

In the original suit in the County Court, Bradley was planning to use a setoff "against the notes [\$200.00 debt] in which the suit was brought."⁴³ A setoff was "a counter demand by a defendant for an amount claimed to be owing to him from the plaintiff on a claim that . . . [was] not connected with the plaintiff's claim."⁴⁴ In this instance, the notes transferred from Payne to Bradley in 1829 were the setoff.⁴⁵

In the rebuttal, Phillips said that when the \$200.00 notes actually became due, Bradley did not present his setoff or counter demand against them. Even after he asked the tenant to produce

it, he refused. Phillips, therefore, concluded that Bradley either did not have the setoff or did not obtain it until after the date the \$200.00 notes were due. Bradley, evidently, could not present it because he never furnished any proof in the form of an exhibit in the Circuit Court in Chancery.⁴⁶

In the other matter pertaining to Bradley's testimony concerning the nonappearance of his attorneys in the County Court, Phillips testified that Hopkins and Birney were not employed by Bradley in the case. The counselors, in fact, emphatically denied that they were ever hired to represent Bradley in the County Court proceedings.⁴⁷

After hearing the testimony and carefully weighing the evidence, the judge up-



held the lower court's decision, compelling Bradley to pay the \$200.00.⁴⁸ It appeared at this point, moreover, that any attempt by Bradley to pursue his other claims against the lot was futile, for by 1831 the elusive White was "utterly insolvent and . . . [was living] in the State of Mississippi . . ."⁴⁹ Undoubtedly disappointed with his dealings with White and Phillips, Bradley eventually moved out of the house. Thereafter, John H. Lewis, who represented West in legal matters concerning the property, became the new occupant.⁵⁰

On September 5, 1831 West, through Lewis, conveyed White's former residence to merchant and industrialist

Preston Yeatman for \$1,053.00.⁵¹ The deed described the lot as being "in the town of Huntsville, Alabama, whereon John H. Lewis now resides."⁵² Yeatman sold it the following year to Lewis for the 1831 purchase price.⁵³

Lewis, who was mayor of Huntsville in the latter 1820's, was born in Tennessee in 1794.⁵⁴ The son of Colonel Joel Lewis, a Revolutionary War veteran and a hero of the battle of King's Mountain, the younger Lewis attended the University of Tennessee and earned both the B.A. and M.A. degrees.⁵⁵ In 1824, the Tennessean married Miss Mary Betts, the daughter of Samuel Betts, a businessman from Havana, Cuba. The marriage ceremony took place in Litchfield, Connecticut where the bride was attending school.⁵⁵ Shortly thereafter, Lewis brought her to Huntsville where he practiced law until his retirement.⁵⁶

In 1841, Lewis sold his home on Madison Street to George W. Lane, a circuit judge who had moved to Huntsville from nearby Limestone County.⁵⁷ Lane, a native of Georgia, began his public service career with his 1829 bid for a seat in the State House of Representatives.⁵⁸ At that time he received "about the largest vote ever cast in . . . [Limestone] county, for Representatives . . ."⁵⁹ He was elected to the House again in 1832, and that same year was also chosen as Judge of the Limestone County Court. In 1834, Lane was elected Circuit Court Judge, the position he held when he moved to



Federal mantel in the dining room of the 1827 wing.

Huntsville in the early 1840's.⁶⁰ Although he would later be appointed Federal District Judge by President Abraham Lincoln during the Civil War, the jurist resigned from the bench in 1846.⁶¹

In 1848, Lane sold the house to local merchant William G. Sellick for \$2,500.00 - \$1,000.00 less than his 1841 purchase price. A Vermont native, Sellick was married to the former Miss Mary Ann Patton, a member of one of Alabama's most prominent families.⁶³

After six years of ownership, Sellick sold the Madison Street property, with two additional lots, for \$4,000.00 to William P. Bedlock.⁶⁴ A clerk from Louisiana, Bedlock held title to the property for only a short

time, deeding it to Hugh Lawson Clay in 1857.⁶⁵

Recently married to the former Miss Harriet Celeste Comer of Macon, Georgia, Clay "boarded in various places in Huntsville" prior to his acquisition of the town property.⁶⁶ Upon moving into the residence, he furnished it according to the needs of his wife and son, Comer, who were attended by four slaves or servants - Richmond, Milton, Betty, and Amanda. Four additional slaves were also owned by Clay.⁶⁷

During Clay's occupancy, a two-story wing was added to the house, giving it a more stately appearance.⁶⁸ The building of this addition perhaps reflected his desire to compete, both economically and socially, with his two

Mantel in the Italianate wing is of heavier proportions, and baseboards are wider and have grooved moulding at the top.



brothers, United States Senator from Alabama, Clement C. Clay, Jr. and J. Withers Clay, editor and owner of the newspaper the **Democrat**.⁶⁹ His father, Clement C. Clay, Sr., was also a distinguished gentleman, having served Alabama as State Supreme Court Justice, as United States Congressman, and as Governor.⁷⁰

Hugh Lawson Clay's background, nevertheless, was impressive. Born in Huntsville on January 22, 1822, he received his early education at Green Academy and later attended the University of Alabama and the School of Law of the University of Virginia. During the Mexican War, the young Clay served as a captain in the 13th United States Infantry. After the

war, he opened a Huntsville law office, located on the west side of the Public Square known as Bank Row.⁷¹

In 1860, Clay sold his house on Madison Street to James B. Turner.⁷² The amount paid for the property was \$6,500.00, an increase of \$2,500.00 over the 1857 purchase price, reflecting the improvement to the property of a two-story wing.⁷³ This addition, plus slave quarters and two other small buildings, was clearly illustrated on a Huntsville map published in 1861 by the surveying firm of Hartley and Drayton of Louisville, Kentucky.⁷⁴

Throughout 1860 and 1861, Turner held title to the former Clay residence although he lived in north-

Value of Property

1827-1862

<u>Year</u>	<u>Value</u>
1827	\$ 568.51
1830	\$ 610.00 (trust sale - full value not realized)
1831	\$1,053.00*
1832	\$1,053.00
1841	\$3,500.00
1848	\$2,500.00
1854	\$4,000.00 (two other lots included)
1857	\$4,000.00 (two other lots included)
1860	\$6,500.00 (two other lots included)
1862	\$6,000.00 (two other lots included)

* Note: The increase in price of the lot between 1830 and 1831, and the fact that the 1831 deed stated that John H. Lewis was living on the property, although he as yet did not own it, were the determining factors in past accounts [of the house's history], giving credit to Lewis as the builder [rather than to James White - THE EDITOR].

west Madison County where he practiced medicine.⁷⁵ In 1862, the physician sold it to Mrs. Rosa Herstein at a loss of \$500.00, probably due to the uncertain economic conditions caused by the Civil War.⁷⁶

Born in Maryland in 1839, Mrs. Herstein was the wife of Robert Herstein, a prominent Jewish businessman.⁷⁷ Though her husband owned considerable real estate, as well as other tangible assets, she owned the Madison Street home separate and apart from her spouse.⁷⁸

Rosa Herstein's husband was born in 1831 in the city of Darmstadt in the Grand Duchy of Hesse. While still in his teens, he migrated to the United States and eventually settled in Leesburg, Virginia, where he first became active in mercantile pursuits. In 1855, the young businessman moved to Huntsville and eventually opened a clothing store at the corner of Eustis and Franklin streets.⁷⁹

Herstein was exceptionally civic-minded. Serving as a member of the City Council, as city treasurer, and being a charter member of Temple B'nai Sholom were just some of his community interests.⁸⁰ Moreover, he owned property consisting of 160 acres in the country, a store in New Hope, a house on Church Street, lots in Huntsville's Davis Addition, a lot on Monte Sano Mountain, and various other properties, all valued at over \$10,000.00.⁸¹

As a real estate investor and businessman, Herstein

occasionally traveled. While returning from one of these trips to New York in 1878, he became ill, and a short time after his arrival home, died of pernicious bilious fever.⁸² Besides his wife Rosa, he left seven children, including Bettie, Lina, Monroe, Miriam, Abraham, and Joseph.⁸³

After her husband's death, Mrs Herstein made a will directing that her Madison Street property be given to her children.⁸⁴ Upon her passing in 1909, it fell into the hands of her heirs who sold it to J. William Turner in 1913.⁸⁵

Turner, from McMinnville, Tennessee, had come to Huntsville in 1893.⁸⁶ After working in town for the I. Schiffman Company, an investment firm and car dealership, he "engaged in business for himself as an agent of the Studebaker Automobile Company. . . ." ⁸⁷ A family man, Turner and his wife Nancy Lee had two children, Tully and Nellie Mae.⁸⁸

On April 5, 1932, Turner sold his house to Thomas H. Sanford, who had married his daughter Nellie Mae. Turner, nevertheless, continued to live there until his death in 1943.⁸⁹

Mr. Sanford, Turner's son-in-law, owned and managed the Crystal Drug Company, located on East Clinton Avenue. A graduate of the Birmingham Medical College, he once served as the president of the Druggist Association and belonged to various civic organizations, including the Kiwanis Club and the Order of

the Eastern Star. A respected member of the community, he was considered by those who knew him as a man of the highest integrity.⁹⁰

Upon the death of Mr. Sanford in 1964, Nellie Mae became the sole owner of the property. There were three surviving children - Thomas H., John William (Bill), and Nancy Lee.⁹¹

Through the initiative of son Bill Sanford, the house was placed in nomination to the National Register of Historic Places in 1982.⁹² On April 12, 1984, the house was added to that esteemed list.⁹³ After it was listed, Mrs. Sanford and Bill, with the assistance of James Record, retired Chairman of

the Madison County Commission and past president of the Alabama Historical Commission, obtained a historical marker inscribed with the home's name and date of construction. The owner was obviously pleased with the marker and was anxious to inform friends and relatives of its placement in the front yard.⁹⁴

Presently, the house is in the occupancy of Mrs. Sanford, a charming and gracious hostess. Southern hospitality still abounds when friends and relatives visit the historic residence. Admired by all, the home is truly an unheard witness to a time and a place, gone forever.



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FOOTNOTES

¹ Eclectic denoted that the addition had architectural characteristics of more than one period or style simultaneously. In regard to the Sanford House, the arched windows were also incorporated into the front of the older part of the residence for a more uniform appearance. This alteration probably occurred around 1858. Author's note.

² Government Tract Book, p. 37, Probate Office, Madison County Courthouse, Huntsville, Alabama.

³ The deed stated that the property was in close proximity to C. C. Morgan's lot. Morgan was the father of John Hunt Morgan, noted Confederate General. Deed Book 1, p. 44, Probate Office, Madison County Courthouse, Huntsville, Alabama; "Cheap Groceries," Huntsville (Ala.) *Southern Advocate*, 12 January 1827, p. 4; Howard Swiggett, *The Rebel Raider* (Indianapolis: The Bobbs-Merrill Company, 1934), p. 13.

⁴ The county records definitely point to a construction date of 1827. Author's note.

⁵ The James White in this account was neither Colonel James White of Abingdon, Washington County, Virginia, nor his son, James L. White, of the same county. Both individuals were listed in the 1830 Census of Virginia. Gilbert G. White, "The White Family of Alabama," Belle Mina, Alabama, December 1962, pp. 1-6, (Typewritten); Ronald V. Jackson, Gary R. Teeple, and David Schaefermeyer, eds., *Virginia 1830 Census Index* (Bountiful, Utah: Accelerated Indexing Systems, Inc., 1976), p. 293; "Cheap Groceries," *Advocate*, p. 4.

⁶ "Cheap Groceries," *Advocate*, p. 4.

⁷ *Ibid.*

⁸ The various court records of Madison County clearly reveal the events which led to White's insolvency. Author's note.

⁹ Louis O. Bergh, *Business Law*, 6th ed. (New York: The Ronald Press Company, 1964), pp. 762-763.

¹⁰ Deed Book L, pp. 36-37; Mary I. Mastin, "Hoole-Russell Genealogy," Huntsville, Alabama, n.d., section on Dr. Alexander Erskine, (Typewritten).

¹¹ Thomas M. Owen, "Benjamin S. Patteson," *The Alabama Historical Quarterly* 13 (January-December 1951), pp. 145-146; Deed Book L, pp. 75-76.

¹² Deed Book L, pp. 75-76.

13 Judge Thomas J. Taylor, **A History of Madison County**, eds. W. Stanley Hoole and Addie S. Hoole (University, Ala.: Confederate Publishing Company, 1976), p. 40.

14 For example, Lemuel Thurston, a Huntsville resident, entered into a deed of trust with the Brandon Brothers in 1827 for the construction of "a large brick house" on lot twelve. Additionally, Dr. Dabney M. Wharton deeded his property in trust with the Brandons for brickwork. This agreement, furthermore, was "to operate as a lien or mortgage on said building and lot in order to secure to said Thomas and William the faithful and ultimate payment of their claim with the interest ...". Deed Book L, p. 234; Deed Book P, p. 129, Probate Office, Madison County Courthouse, Huntsville, Alabama.

15 An 1821 act concerning master builders and mechanics remained unchanged until it was amended in 1834. Alabama, Acts of the General Assembly, "An Act For The Relief Of The Master Builders and Mechanics Of The State Of Alabama," 15 June 1821; Alabama, Acts of the General Assembly, "An Act For The Relief Of The Master Builders and Mechanics Of The State Of Alabama," 1 January 1834.

16 Deed Book L, pp. 75-77, p. 332; Case 617, John Bradley vs. John Phillips and James White, Circuit Court in Chancery 1829-1831, Book E, Department of Old Records, Madison County Courthouse, Huntsville, Alabama.

17 "Cheap Enough," Huntsville (Ala.) **Southern Advocate**, 25 May 1827, p. 3.

18 Ibid.

19 According to various deed records and contemporary newspaper accounts, Robert Payne was an investor and speculator. Author's note; Case 617, John Bradley vs. John Phillips and James White; Deed book L, p. 332.

20 Deed Book L, p. 332; James William Bragg, "Frontier Entrepreneurs of Madison County, Alabama: The Bell Factory Enterprise, 1819-1842 (M.A. thesis, University of Alabama, 1958), p. 180.

21 Patrick Austin was a partner in the business firm known by the name of Harris and Austin. Deed Book L, p. 479.

22 Ibid., p. 332.

23 Case 617, John Bradley vs. John Phillips and James White, pp. 535-536.

24 Circuit Court, Book 24, p. 13, Department of Old Records, Madison County Courthouse, Huntsville, Alabama; Fifth Census (1830), Alabama, 4:70.

25 Case 4189, Execution Docket of the Circuit Court 1826-1836, Department of Old Records, Madison County Courthouse, Huntsville, Alabama.

26 "Town Property for Sale," Huntsville (Ala.) **The Democrat**, 6 February 1829, p. 4.

27 Ibid.

28 John J. Coleman was born in Georgia in 1804. Case 3621, James White vs. John Bradley, County Court, Book 14, pp. 368-369, Department of Old Records, Madison County Courthouse, Huntsville, Alabama; "LeRoy Pope, Jr., and John J. Coleman," Huntsville (Ala.) **The Democrat**, 17 April 1829, p. 1; Pauline Jones Gandrud and Kathleen Paul Jones, eds., "Census of 1850, Madison County, Ala.," Huntsville, Alabama, 1955, p. 280 (Typewritten).

29 "Cotton Freighting," Huntsville (Ala.) **Southern Advocate**, 14 September 1827, p. 4; Case 3621, James White vs. John Bradley, pp. 368-369.

30 Case 617, John Bradley vs. John Phillips and James White, p. 535.

31 Ibid.

32 John Phillips, according to contemporary deeds and newspaper accounts, was an investor and speculator. Author's note. Case 617, John Bradley vs. John Phillips and James White, pp. 535-538; James White vs. John Bradley, County Court, Book 14, pp. 368-369.

33 Case 3621, February Term 1830, Execution Docket Number 3, 1825-1831; John Bradley vs. John Phillips and James White, pp. 535-538.

34 "Trust Sale," Huntsville (Ala.) **Southern Advocate**, 5 February 1830, p. 2.

35 Ibid.

36 Deed Book M, pp. 663-664, Probate Office, Madison County Courthouse, Huntsville, Alabama; "Benjamin F. West," Huntsville (Ala.) **The Democrat**, 25 August 1825, p. 1.

37 Case 617, John Bradley vs. John Phillips and James White, p. 536.

38 Deed Book L, p. 75.

39 Ibid.

40 Deed Book M, pp. 663-664.

- 41 Case 617, John Bradley vs. John Phillips and James White, pp. 535-538.
- 42 Ibid.
- 43 Ibid.
- 44 Bergh, *Business Law*, p. 976.
- 45 Case 617, John Bradley vs. John Phillips and James White, pp. 535-536.
- 46 Ibid., pp. 537-538.
- 47 Ibid.
- 48 Ibid.
- 49 Ibid.
- 50 Power of Attorney, Deed Book N, pp. 398-399, Probate Office, Madison County Courthouse, Huntsville, Alabama.
- 51 Mary Bivins Geron Countess, "The Ancestry of Preston Yeatman of Huntsville, Alabama," Huntsville, Alabama, n.d., p. 12 (Mimeographed); Deed Book N, pp. 398-399.
- 52 Deed Book N, pp. 398-399.
- 53 Preston Yeatman was born in Henrico County, Virginia on April 9, 1799. He married Agnes Massie of Limestone County, Alabama in 1824. Yeatman was a clothing merchant and part owner of the Bell Factory. He died in Huntsville in 1841. Countess, "Ancestry," pp. 12-13; Deed Book O, p. 35, Probate Office, Madison County Courthouse, Huntsville, Alabama.
- 54 William T. Lewis, *Genealogy of the Lewis Family in America* (Louisville, Ky.: The Courier-Journal Job Printing Company, 1893), pp. 99-100; Jones and Gandrud, "Census of 1850," p. 255.
- 55 Elizabeth H. Chapman, "Changing Huntsville 1890-1899" (M.A. thesis, Columbia University, 1932), p. 257.
- 56 Lewis, *Lewis Family*, p. 103.
- 57 John H. Lewis died in Huntsville in 1856. Lewis, *Lewis Family*, p. 103; Deed Book S, pp. 433-434, Probate Office, Madison County Courthouse, Huntsville, Alabama; Thomas M. Owen, *History of Alabama and Dictionary of Alabama Biography Vol. IV* (Chicago: S. J. Clark Publishing Company, 1921; reprint ed., Spartanburg, S. C.: The Reprint Company, Publishers, 1978) p. 1006; Ronald V. Jackson and Gary R. Teeple, eds., *Alabama 1840 Census Index* (Bountiful, Utah: Accelerated Indexing Systems, Inc., 1977), p. 70.

58 Lane, the son of Jonathan and Elizabeth (Colley) Lane, was born in Cherokee County, Georgia in 1806. He came with his parents to Limestone County in 1821. After a basic education, the future judge studied law under Daniel Coleman, a prominent circuit court judge. Owen, **History Vol. IV**, p. 1006; William Garrett, **Reminiscences of Public Men in Alabama** (Atlanta, Ga.: Plantation Publishing Company's Press, 1872), p. 264.

59 Thomas Smith Malone, "Scraps," **The Alabama Historical Quarterly** 18, (Fall 1956), p. 373.

60 Faye Acton Axford, **The Journals of Thomas Hubbard Hobbs** (University, Ala.: The University of Alabama Press, 1976), p. 79; Owen, **History IV**, p. 1006.

61 Lane never believed in secession. Therefore, when the local United States District Judge resigned, President Lincoln appointed Lane to the office. Afterwards, the Unionist had to flee to Louisville, Kentucky, where he died in 1864. Walter G. Fleming, **Civil War and Reconstruction in Alabama** (New York: The Columbia University Press, 1905; reprint ed., Spartanburg, S. C.: The Reprint Company, Publishers, 1978), p. 125; Owen, **History IV**, p. 1006; James P. Jones and William W. Rogers, eds., "Montgomery as the Confederate Capital: View of a New Nation," **The Alabama Historical Quarterly** 26 (Spring 1964), p. 74.

62 Deed Book X, p. 90, Probate Office, Madison County Courthouse, Huntsville, Alabama; Jones and Gandrud, "Census of 1850," p. 256.

63 "Married," **The Democrat**, 22 July 1846, p. 3; Owen, **History IV**, pp. 1327-1328; William E. Spragins, et al., **A Brief History and Brief Genealogy of the Andrew Beirne; William Patton; William Echols, V; and Robert E. Spragins Lines**, (Huntsville, Ala.: By the Author, 1956), p. 318.

64 Sellick died at the age of forty-two. "Died," **Southern Advocate**, 14 December 1854, p. 3; Jones and Gandrud, "Census of 1850," p. 256; Deed Book Z, p. 509, Probate Office, Madison County Courthouse, Huntsville, Alabama.

65 Bedlock was born in Pennsylvania in 1814. **Census of 1850, Third Representative District, Parish of New Orleans, La. (Excluding the City of New Orleans)** (Washington, D. C.: National Archives, Roll 234, 1963), p. 307; Deed Book BB, pp. 185-186, Probate Office, Madison County Courthouse, Huntsville, Alabama.

66 Ruth K. Nuermberger, **The Clays of Alabama**, (Lexington, Ky.: The University of Kentucky Press, 1958), p. 79; Anne K. Walker, **Braxton Bragg Comer** (Richmond, Va.: The Dietz Press, 1947), p. 126.

67 Four additional slaves, all children, were owned by Clay. Their names were: Pamela, Matilda, Salina, and Toney. Declaration of Trust, Deed Book BB, p. 187; Nuermberger, Clays, pp. 79-82.

68 The wing was built around 1858. Author's note.

69 **Williams' Huntsville Directory, City Guide, and Business Mirror** (Huntsville, Ala.: Coltart and Son, 1859; reprint ed., Huntsville, Ala.: The Strode Publishers, 1972), pp. 45-46; Walker, Comer, p. 68.

70 John C. Stewart, **The Governors of Alabama** (Gretna, La.: Pelican Publishing Company, Inc., 1975), pp. 72-73.

71 "Col. Hugh Lawson Clay," **Huntsville, The Daily Mercury**, 30 December 1890, p. 4; Walker, Comer, pp. 67-68; **Huntsville Directory**, p. 45.

72 Deed Book DD, p. 508, Probate Office, Madison County Courthouse, Huntsville, Alabama.

73 Deed Book BB, pp. 185-186; Deed Book DD, p. 508.

74 Map of the City of Huntsville, Madison County, Ala., 1861, surveyed and published by Hartley and Drayton, Louisville, Ky. (sponsored by S. Coltart, Huntsville, Ala.).

75 The 1860 Census of Madison County showed that in June of that year, he was living in northwest Madison County with four children (no wife). The Census further stated that he was a doctor, born in Virginia in 1814, and held assets of \$60,690.00. **Census of 1860, Madison County, Alabama** (Washington, D. C.: National Archives, Roll M653, 1967), p. 9.

76 Deed Book DD, pp. 509-511.

77 "Robert Herstein," **The Huntsville Advocate**, 25 September 1878, p. 3; **Census of 1860, Madison County**, p. 36.

78 When Mr. Herstein died in 1878, no mention was made of his owning any Madison Street property. Probate Record Book 35, p. 147, Probate Office, Madison County Courthouse, Huntsville, Alabama.

79 "Herstein," **Advocate**, p. 3; **Huntsville Directory**, p. 63.

80 From information provided to the author by Henry Marks, who is working on a book concerning Jewish families in Alabama. Author's note.

81 Probate Record Book 35, p. 147.

82 "Herstein," **Advocate**, p. 3.

83 Probate Minute Book 17, p. 493, Probate Office, Madison County Courthouse, Huntsville, Alabama.

84 Will Book 4, p. 3, Probate Office, Madison County Courthouse, Huntsville, Alabama.

85 Probate Record Book 43, p. 400 and Deed Book 105, p. 624, Probate Office, Madison County Courthouse, Huntsville, Alabama.

86 "John William Turner Succumbs Here," **Huntsville, The Mercury**, 14 October 1943, p. 1.

87 **Huntsville City Directory 1920-1921** (Asheville, N. C.: Piedmont Directory Company, 1920), p. 297; "Turner," **Mercury**, p. 1.

88 Affidavit, Deed Book 118, p. 572, Probate Office, Madison County Courthouse, Huntsville, Alabama; Interview with John William Sanford, son of Thomas H. Sanford, Huntsville, Alabama, Spring 1981.

89 J. William Turner retired from business in 1934. "Turner," **Mercury**, p. 1; "J. Will Turner," **The Huntsville Times**, 11 October 1943, p. 1; Marriage Book 44, p. 260 and Deed Book 133, p. 606, Probate Office, Madison County Courthouse, Huntsville, Alabama.

90 "T. H. Sanford, Druggist, Dies," **The Huntsville Times**, 24 February 1964, p. 3; **Huntsville City Directory 1960** (Richmond, Va.: R. L. Polk and Company, Publishers, 1960), p. 148; Interview with Sanford, Spring 1981.

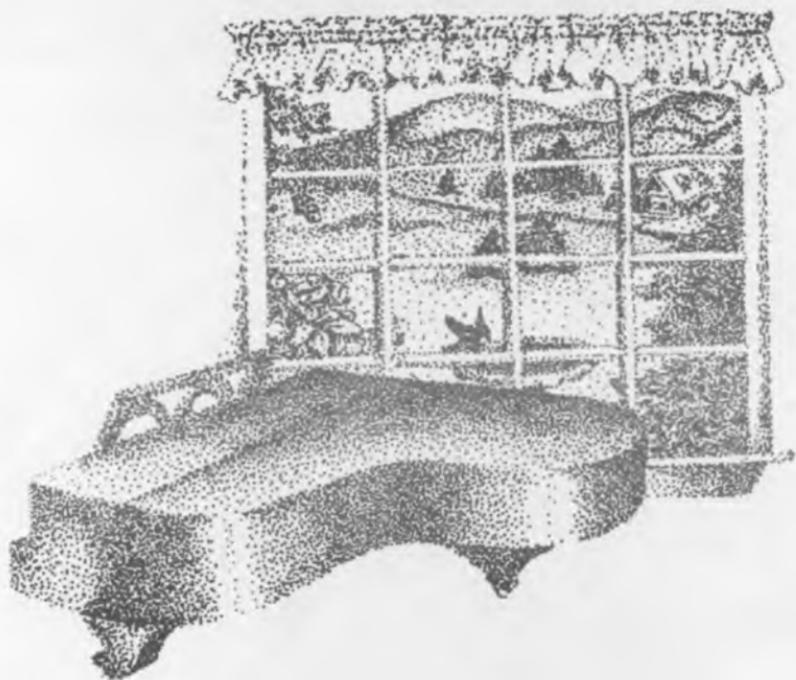
91 Probate Case 15050, Probate Office, Madison County Courthouse, Huntsville, Alabama; Interview with Sanford, Spring 1981.

92 National Register Nomination Form for the White-Turner-Sanford House, located in the files of the Alabama Historical Commission, Montgomery, Alabama.

93 F. Lawrence Oaks, Executive Director of the Alabama Historical Commission, to Mrs. Thomas H. Sanford, 2 May 1984, letter in possession of the author.

94 Notes by the author.





SPECIFICATIONS

by Nell Esslinger

Within my house I'd like to sing 'til rafters ring
With praise to God,
So build a brilliant room and high, for light of sky
And evening glowing.
Place at one end a baby grand, so one can stand,
By music shod,
Within its curve, and turn the face to inner space;
Or outer knowing.

A table at the other end, for many a friend,
Can stretch for dining,
But, narrow all across its frames, be marked for games
That we can play.
There will be chairs where one can rest, the very best,
Soft and reclining,
And carpets deep, and other fine bits of design
To keep us gay.

To feed the guests, from studio I'll have to go
Into the kitchen
Through pantry with a swinging door and shelves galore,
To center isle
With double-drainboard sink of white porcelain bright
And counter rich in
Devices for convenience. Walls, when duty calls,
As with a smile,
Yield up refrigerator, range and cases. Change
Of these is easy
Because they move on larger wheels, so that it feels
A finger touch
Will do; and backs of shelves detach, without a scratch
So that no cheesy
Corner shall be found to dust, or mould or rust
Or hide so much.

A table round enough for four, avoids a door
To the back stoop.
Beside a window put that table, if I'm able.
I'd like a fountain,
Where seated, I can fill a glass, or rinse some grass
Or thin the soup.
The kitchen windows need a view of neighbors too --
If not a mountain.

Another room, the study, should be quiet as these were gay,
With wider shelves, glassed in, for books,
And deeper chairs, lighted, for nooks,
And couch so soft and wide and deep,
Unfolding, that a guest may sleep,
Should one decide to stay.

Here from the volumes I can draw the wisdom of the ages.
Here confidential talk with friend
Can find a precious happy end,
Or conference achieve a quick
Decision at a table thick,
With help of open pages.

The passage from the kitchen to the study must be dry
For papers from both sides are piled from very low to high.
Newspapers from the study side, from kitchen, bag and sack,
Are stuffed through little doors to hide. The little doors
swing back.

A table there, for cutting, has a light and light of day
And even a machine to sew the mending stored away.
So sitting on the single chair beneath it, I can tie
My Christmas presents, or get up, and maybe just walk by.

I'd also like a powder room
Placed somewhere near the study,
With lavatory and commode
And shower for the muddy.

My bathroom ought to be a sight, with fixtures white,
Ceramic walls,
And with the faucets of the tub, (now here's the rub)
At the wrong end.
They wash down its whole length, thus saving strength
By waterfalls.
Along its sides bathers can hold. Both hot and cold
From showers blend.

There must be hooks, say three or four, not on the door,
And many a rack
For towels where they won't get wet, and a chair set
Beside a puddle,
Where I can wade my dusty feet, in soapy sweet,
And rest my back.
There also must be linen space and storage place
To end the muddle.

Then one room must be dark as night
Where I can hide from cruel light
And burning heat, or wrap me warm
From outside cold and willful harm;
Here I can hang up wrinkled thoughts
But throw all errors with the noughts
And here within my cosy tomb
I'll slumber as in Heaven's womb.

Yet there must be an open place
Where I can paint my morning face,
Draw back the shades, or roll them higher
So I can choose the day's attire
From ample closets, and a glass
Full length and clear, so as I pass
I see all colors, lines and shapes. --
My bedroom must be pink, I think,
With purple drapes.

A great big attic would be good
For storing great big things of wood
And all the things, received with sorrow,
Which will be antiques by tomorrow.
I need, if I put these things there,
A great big door, a great big stair.

A tiny outhouse should be near
To keep the water hot
And house the furnace without fear
If gas is on the spot.



My house shall be upon the rock, so not a shock
Can badly shake it.
Its shutters from within will close, outside to doze
Each time we make it.
No drudgery from man nor maid, nor heavy aid
Will be required;
For windows, they shall wash themselves, drain through the
shelves
And be admired,
While 'round the kitchen, bath and hall, below each wall
A sprinkler forces
A jet of water on the floors, (please close the doors),
Until it courses
Down through a drain with open door, ('twas closed before),
And then you stop it.

The bits of Study paper and intruding sand
With string to top it
Are brushed with an old-fashioned broom, out of the room
Down a dust chute;
And likewise in the Studio this trick is so.
(Please add, to boot,
All inexpensive household aids, in place of maids,
You think are right,
And anything which may need change, put in the range
Of my low height.)

If on my land a little spring, or such a thing
Should just appear,
I'd plant some mint and watercress, with flowers dress
And keep it clear.
I'd like a pool in which to swim; but that's a whim
And quite expensive.
And my house should not be ornate, nor very great,
Nor yet too pensive;
But like a woman, whose good health needs little wealth
To well adorn her,
Its beauty shall be feminine; so pure of line
And curved of corner
That passing gentlemen, refined, may feel inclined
To tip the hat,
And ladies, when they go through tint and texture, murmur low,
"Well, God did that."

ILLUSTRATIONS BY JUDY BROLLIAR

(EDITOR'S NOTE): Circa 1970 NELL ESSLINGER sent her "specifications" for a house she hoped to build to architect Harvie Jones. Unfortunately, her house was never built; but fortunately, Mr. Jones saved her charming poem which has been printed here with her permission. Mrs. Esslinger enclosed the following information on her background:

Father: William Francis Esslinger, lawyer and author of the family history.

Mother: Blanche Russell Esslinger, soloist and teacher.

The first automobile in Huntsville was owned by Mr. Pittman, a merchant . . . It was a Studebaker EMF, as she remembers, and had to be cranked, of course. Her parents bought it second hand, and she drove it, though she was so short she could not reach the back of the seat.

When radio first came to Atlanta, Nell, a student at Agnes Scott College, sang over it, as soloist.

Before Nell directed [musical productions], there were one or two musical plays in Huntsville, but Nell directed the first Oratorio sung in Huntsville.

Decades of singing, which was her business, so filled her thought with beauty and rhyme that it was almost as easy for her to write in "poetry" as in prose. Published songs include "Bill Jacob Smith," "From Red Mountain," . . . two female choruses, and three Christmas Carols. She has also set some of her poems to music, including "Between the Lines" (Duet for Piano and Typewriter, voice accompaniment), and "Query," a poem by Raymond G. Miller, whom she married in August 1979. Dante's "Un Sonetto della 'Vita Nuova'" so inspired her that she wrote and sang a paraphrase of it with flute obligato.

In 1983 Raymond and Nell moved to Auburn, where she wrote a column for the newspaper The Eagle, for more than a year. Her Italian sonnet "Sing" won second place in the Alabama Writers' Conclave competition in 1985. Her textbook "Revised Notation," which she is now teaching in public school, won a certificate in recognition of creative achievement from the Georgia Commission of Science and Technology in 1968.

Nell is proud of a long list of successful vocal students. She holds a certificate in Voice from Agnes Scott College, a B.A., voice major, from the University of Alabama, and a Master's degree in Music from the University of Illinois. She also holds a lifetime honorary membership in the Huntsville Music Study Club, and her maiden name.

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