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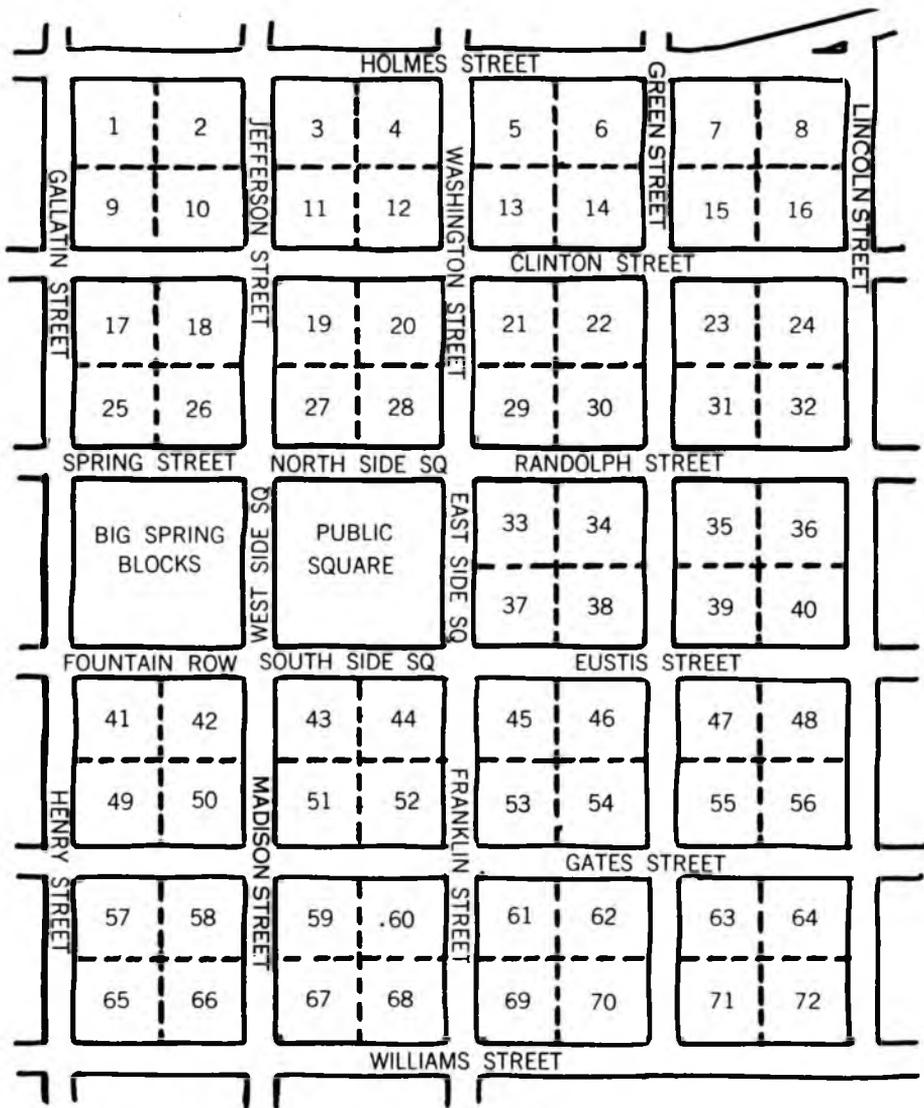
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Original Plat of County Seat
 Madison County, Mississippi Territory
 Twickenham/Huntsville

HOW HUNTSVILLE GREW
Boundary and Annexation Survey
1810-1993

by Linda Bayer and Juergen Paetz

White settlement of the Huntsville area began in 1805 when John Hunt traveled south from Tennessee in search of the Big Spring. He was soon joined by other pioneers, and in 1809 the general assembly of the Mississippi Territory approved legislation establishing a town in Madison County to be called Twickenham. It was to be the county seat, and five commissioners were charged with procuring not less than 30 nor more than 100 acres of land to be laid off in half-acre lots with the exception of a three-acre plot which was to be reserved for public buildings. On July 5, 1810, the commissioners accepted the plat of Twickenham, containing 72 half-acre lots plus the undivided public square and Big Spring block. The original town was bounded by Williams, Lincoln, Holmes, and Gallatin-Henry streets. The next year the name was officially changed to Huntsville, the more popular name by which the settlement was commonly known, and the following month, on December 9, 1811, Huntsville was incorporated by statute of the Mississippi Territory legislature, although no boundaries were specified.

On December 14, 1819, Alabama became the 22nd state, and three days later the Alabama legislature set the town limits of Huntsville at "one quarter of a mile from each side of the public square." Throughout the 19th century, the various town limits described a square, the boundaries of which were parallel to the sides of the public square and the center of which was the center of the public square. In 1828 the town limits were enlarged by the state legislature so that the boundary lines were each one mile in length. See 1861 map of the city limits of Huntsville.

During the first half of the 19th century, annexations or alterations to the city limits could be made only by an act of the state legislature; however, the Alabama Code of 1852 contained enabling legislation that permitted annexation by referendum in all incorporated municipalities. "Ten inhabitants of a town could petition the judge of probate for an alteration of the town's boundaries. The judge would then direct that an election be held, and all white, male inhabitants over twenty-one years of age could vote for or against the proposal. If approved by a majority of the voters, the annexation became effective upon decree of the judge of probate."

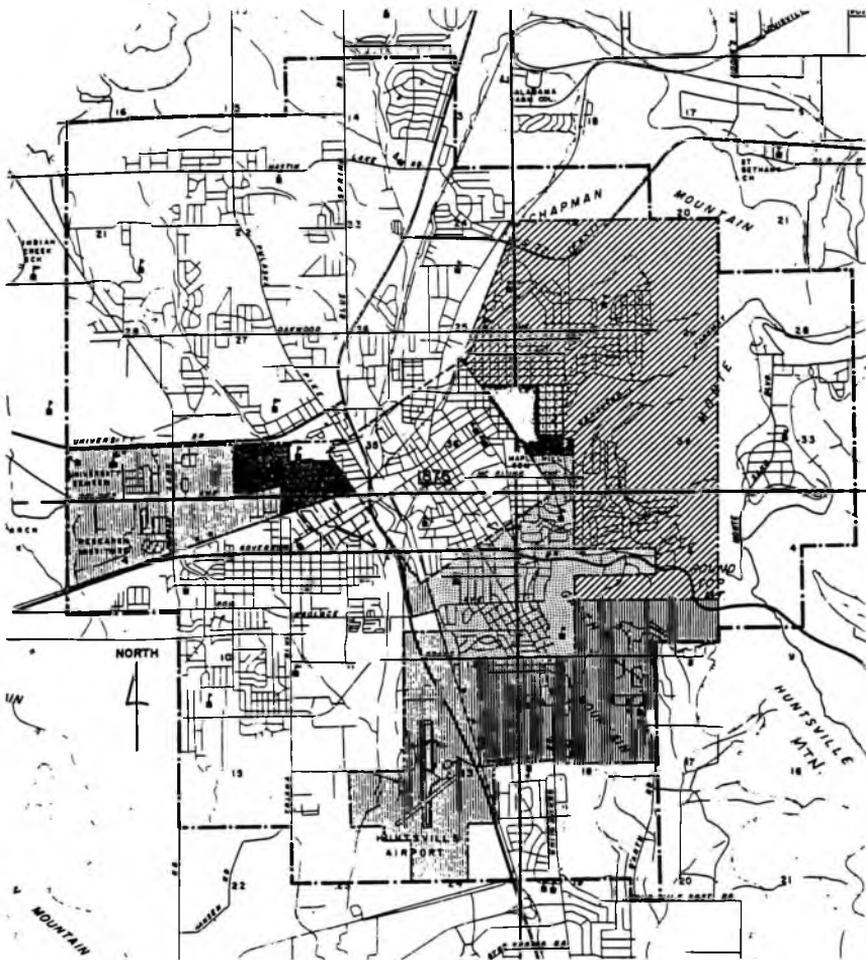
Provisions for annexation by referendum remained in effect for Alabama cities--with variations in the method of initiating and conducting them--until 1947 when legislation was passed specifically for Huntsville. This 1947 enabling legislation required the judge of probate to order an election held whenever the city council passed a resolution stating that the public health or public good required than an area be brought within the limits of the city.

During the second half of the 19th century, Huntsville held only one referendum on annexation, but it was initiated by legislative act rather than by a petition of residents. Held in 1852, the referendum to make Huntsville's town limits each two miles long was not approved by the voters. This expansion of the town was finally achieved in 1866 by act of the legislature, bringing the total land area of Huntsville to four square miles. In 1871 the new Glenwood Cemetery (on Hall Street) containing approximately ten acres was also annexed. However in the final boundary change of the 19th century (1876), the town limits were reduced to one and one-half miles in length. See 1908 map of the City of Huntsville.

Huntsville maintained this size, 1440 acres, until 1925 when 100 acres of East Huntsville Addition were brought into the corporate limits by referendum. Twenty-two years elapsed before further annexations occurred; in 1947, another 65 acres of East Huntsville Addition were added to the city, as well as more than 1000 acres lying south and east of the corporate limits encompassing the Mayfair and Blossomwood neighborhoods.

The decade of the 1950's was a time of dramatic expansion and growth for Huntsville. The population of the city jumped from 16,000 to 72,000 residents, while the amount of land within the city limits skyrocketed from just under 3,000 acres to over 32,500 acres, an incredible 109% increase for the decade. From 1950 to the end of 1955, the city annexed eight parcels of land containing almost 7,500 acres. However, Huntsville's single biggest increase occurred April 14, 1956, when the Alabama legislature approved an act that redefined the city's boundaries and incorporated an additional 14,000 acres contained in five tracts. See 1956 annexation map. Just three years later, on February 24, 1959, the legislature approved the annexation of the Whitesburg School tract and called for referenda on four additional areas. Three of these were passed by the voters, while the fourth--Sherwood Park/Research Park--was defeated. These four approved annexations added another 8,300 acres to the city. The result of all this annexation activity during the decade was an increase in the size of Huntsville from slightly more than four square miles in 1950 to 51 square miles in 1960. Even more startling is the fact that while the population more than quadrupled during the decade, the number of persons per acre decreased from six in 1950 to just 2.2 by 1960. See Table 1.

When Huntsville's boundaries were expanded in 1956, six tracts of land were specifically excluded from the annexation. These were tax islands granted to existing industries, which has originally located outside the town limits. They remain unincorporated parcels of land within the city and consequently pay a lower tax rate. The six tax islands are John Blue Company on Bob Wallace, Huntsville Manufacturing Company on Triana, Mallory Capacitor on South Parkway, Martin Industries on Governors Drive and on Seminole, and the HIC Building site/Dallas Mill complex on Oakwood.



CITY OF HUNTSVILLE ANNEXATIONS 1876-1956

- | | | | |
|--|--|--|--|
|  SEP 22, 1925 |  OCT 31, 1947 |  JUN 6, 1951 |  AUG 30, 1950 |
|  JUN 13, 1947 |  DEC 5, 1950 |  FEB 25, 1955 |  APR 14, 1956 |

Huntsville continued to grow during the 1960's, but at a slightly less phenomenal rate. The population within the corporate limits almost doubled during the decade, while the acreage of new land incorporated showed a 112% increase. Over 12,000 acres were annexed in 1963, which included the Research Park area, much of Jones Valley, part of Huntsville Mountain, and a tract on the north side of Winchester Road. During the next year four successful referenda resulted in the annexation of another 9,600 acres, which set the present northern boundaries for the city. During 1965 four separate annexations added yet another 9,300 acres, with the majority of this land being the new airport property and a tract along Highway 72 near Chase. The approval of four more parcels at the end of the decade brought the total of new land added to the city during the 1960's to 36,630 acres.

In 1971 the state legislature provided for a third method of annexation--by petition to the city clerk of all the property owners within an area contiguous to the corporate limits. Upon receipt of the petition, the city council could annex the area by ordinance. This method of annexation was simpler and quicker than either legislative act or referendum and was utilized six times during the next decade in Huntsville, mostly for small tracts of land.

By 1970 Huntsville's explosive growth period was over. The city's population, which had increased by 92% during the 1960's, experienced only a 2% increase during the 1970's. Similarly, the amount of land annexed showed only a 4.7% increase during the 1970's, as compared with a 112% increase for the previous decade. Nine annexations added only 3,267 more acres to the city, of which 3,100 acres were part of the Green Mountain tract.

The annexation of 27 acres of Chase Industrial Park in 1980 brought the total acreage within the Huntsville city limits to 72,584 or 113.4 square miles.

During the 1980's another 30,615 acres of land were annexed, mostly in small parcels. The largest acquisition was 15,941 acres, 12,051 of which lie in Limestone County, added in 1986. At the end of 1989, the city had grown to 103,171 acres, or 161.2 square miles. As of January 1, 1993, the area of the city of Huntsville stands at 168.9 square miles, or 108,142 acres.

BOUNDARY AND ANNEXATION SURVEY
HUNTSVILLE, ALABAMA

<u>Date</u>	<u>Square Miles</u>	<u>Acres</u>
December 9, 1811		60
December 17, 1819	.31	198
December 31, 1951	5.04	3,223
December 31, 1956	37.92	24,271
January 1, 1960	51.03	32,659
January 1, 1970	108.27	69,290
January 1, 1980	113.37	72,556
January 1, 1990	161.2	103,171
January 1, 1993	168.9	108,142

Figure 1.

HUNTSVILLE'S POPULATION GROWTH

<u>Year</u>	<u>Area in Acres¹</u>	<u>Percent Change</u>	<u>Population²</u>	<u>Percent Change</u>	<u>Persons/Acre</u>
1860	640	-	3,634	-	5.7
1870	2,560	300	4,907	35	1.9
1880	1,440	-44	4,977	1.4	3.5
1890	1,440	0	7,995	60.6	5.5
1900	1,440	0	8,068	0.9	5.6
1910	1,440	0	7,611	-5.7	5.3
1920	1,440	0	8,018	5.3	5.6
1930	1,548	7.5	11,554	44.1	7.5
1940	1,548	0	13,050	12.9	8.4
1950	2,728	76.2	16,437	26.0	6.0
1960	32,659	1097.2	72,365	340.3	2.2
1970	69,290	112.2	139,282	92.5	2.0
1980	72,557	4.7	142,513	2.3	2.0
1990	103,171	42.2	159,789	12.1	1.5

Figure 2.

THE PUBLIC SQUARE
IN MADISON COUNTY HISTORY
by Frances C. Roberts

The County Madison was created by proclamation of Governor Robert Williams of the Mississippi Territory on December 13, 1808, but it was not until nearly three years later that the Public Square in Huntsville became the actual seat of justice for Madison County. During this intervening period the courts were created, officers appointed, fee simple land titles established through the public sale of federal lands, and the necessary legislation passed to establish a permanent county seat.

At the time Madison County was created there were approximately 2,500 settlers living within its bounds. On December 19, 1808, five days after its creation, Stephen Neal, a resident of Washington City, Mississippi, was appointed sheriff of the county as well as a justice of the peace. Thomas Freeman, chief government surveyor of Madison County lands, and two settlers, Hugh McVay and Benjamin Williams, also received commissions as justices of the peace.

Further steps of organization were taken on February 27, 1809, when the territorial legislature extended the laws of the United States and those of the Mississippi Territory over Madison County. On March 3, 1809, three additional officers were appointed. Louis Winston, a lawyer serving as private secretary to Governor Williams was made attorney general, Peter Perkins of Nashville, clerk of the circuit court, and William Winston of Madison County, clerk of the county court.

The resignation of Governor Williams on March 3, followed by an interim of four months, before David Holmes succeeded to this office, probably slowed down the completion of appointments requisite to a full organization of the county's government. Shortly after assuming his duties as Mississippi Territorial governor on July 1, 1809, Holmes asked the aid of Attorney General Winston of Madison County and William Dickson of Nashville in completing the roster of Madison County officials.

Acting on recommendations submitted by these men, William Dickson, Edward Ward, and Peter Perkins of Nashville, and LeRoy Pope and Thomas Bibb of Petersburg, Georgia, were named justices of the quorum on November 7, 1809. Dickson was named chief justice and William Winston, who had received his appointment in March, was to act as clerk for the initial term of the Orphan's Court to be held on the first Monday in January, 1810. This court had jurisdiction in matters concerning the settlement of estates, care of the poor, transfer of lands, laying out of roads, licensing of ministers, and enrolling of lawyers. It also served to supplement the work of the justices of the peace until a formal criminal court could be set up.

Before a superior court with criminal jurisdiction for Madison County could be established, special congressional

action was necessary to create an additional federal judgeship for the Mississippi Territory. A law for this purpose, as well as to extend the right of suffrage to Madison's citizens, was approved on March 2, 1810. The guiding influence of the Georgia group who settled in Madison County was manifested in the appointment of the first superior court judge. Obadiah Jones of Georgia, recommended to the President by the Georgia delegation in Congress, was chosen in preference to Marmaduke Williams of Madison County, recommended by his brother, Robert Williams, former governor of the Mississippi Territory.

The first term of the superior court of law and equity convened on October 1, 1810, with Judge Jones presiding, Peter Perkins serving as clerk, and Louis Winston as Attorney General. The minutes of the court do not record the place where this session was held, but it does record that John C. Hamilton, George Coulter, Gabriel Moore, James Roberts, Louis Winston, Marmaduke Williams, and John W. Walker produced their commissions and were authorized to practice law.

Sheriff Stephen Neal, executive officer of the county, served the court by summoning jurors, executing warrants and writs, presenting offenders to the court, and performing other duties assigned to him by the judge. He was assisted in his work by John Hunt, pioneer settler for whom Huntsville was named, who was appointed coroner on May 16, 1810.

To insure law and order in the various settlements throughout the county, John Grayson, John Kirksley, William Lanier, Abraham Perkins, John Martin, and George Dilworth were appointed justices of the peace and David Cobb was named constable. Other officials added to the county's roster in 1810 and 1811 were Gabriel Moore, tax assessor, collector, and census taker; Hugh McVay, county surveyor; and Bennett Wood, treasurer.

To provide for defense, the Seventh Regiment was created as Madison County's unit of the Mississippi territorial militia and Colonel Peter Perkins was appointed commander of the group on January 4, 1810. During the following summer all the able bodied men between the ages of sixteen and fifty organized into eight companies and on October 29, 1810, the first county-wide muster was held. Governor David Holmes attended at the request of Louis Winston who felt that the Governor's presence would have a tendency to quiet some of the discontent among the settlers with the territorial administration. Militia companies were important units in the county's early development, not only from the standpoint of providing defense, but also in furnishing organized groups through which public affairs could be administered. At local muster grounds, located at various settlements in the county, taxes were assessed and collected, notices of elections read, politics discussed, and terms of court announced.

By territorial statute of December 23, 1809, a commission composed of William Dickson, Edward Ward, Peter

Perkins, Alexander Gilbreath and Louis Winston, was appointed and vested with the authority to choose a permanent county seat for Madison County. The act further provided that a majority of this group could *procure by purchase or otherwise* not less than thirty nor more than one hundred acres of land to be laid off in half-acre lots with the exception of a three-acre plot which was to be reserved for the location of the public buildings. All lots were to be sold at public auction on twelve month's credit and the proceeds arising therefrom after the land had been purchased were to be applied by the commissioners towards defraying the expenses of erecting public buildings for Madison County.

The second section of the act stated that the town to be laid out would be called and known by the name of *Twickenham*. According to tradition, this name was suggested by LeRoy Pope, who had purchased the lands around Hunt's Spring with the idea of making it the county seat if possible. He was reported to have selected this unusual name because of his great admiration for the classical poet Alexander Pope whose English home was called Twickenham.

Shortly after the passage of this statute, LeRoy Pope, James Jackson, and William P. Anderson, who had invested rather heavily in the lands surrounding and including Hunt's Spring, began to make plans for platting a town called Twickenham on this tract. Though no copies of the articles of agreement of these proprietors have been preserved, it is evident, from the correspondence of these men and the land office records, that Jackson and Anderson agreed to use their influence with the commissioners to locate the county seat at the "Big Spring" and to have the town platted. Pope apparently furnished a considerable amount of the money invested, for the two quarter sections involved in this transaction were entered in his name in the receiver's ledger at the land office.

John Coffee, a deputy surveyor for William P. Anderson, was chosen by Anderson and Jackson to represent them in platting the town and bargaining with the commissioners for its acceptance. In his instructions to Coffee, Anderson urged that the town plat be made as *dashing as possible and the ground on which it shall stand as eligible as may be*.

John W. Walker, LeRoy Pope's son-in-law, represented him in bargaining with the commissioners for acceptable terms, on which they would agree to locate the county seat at the Huntsville settlement. By this time, Hunt's Spring was generally spoken of as Huntsville, and the county court had convened its first session in this community. Walker's job, besides securing the support of the Madison County commissioners, included the superintendence of the sale of lots in the town plat reserved for the proprietors.

In late June, Coffee surveyed the original plat of "Twickenham" in order that it would be ready for the commissioners' meeting scheduled for the first week in July, 1810. The streets of the town were laid out with reference to the spring bluff and ran at the peculiar angle of thirty-

four degrees north of west. By this arrangement, Jefferson Street became the basis for the survey and made it possible for the spring area to be enclosed in one of the three-acre squares included in the plat. Three streets to the east and one to the west were surveyed parallel to Jefferson and six perpendicular to it. The rectangle thus formed contained twenty squares of three acres each, or sixty acres, exclusive of the land included in the streets that were sixty feet wide. Every block, with the exception of the Public Square and the Big Spring Square, was subdivided into four lots and numbered from left to right beginning with the northwest boundary. Names given to the streets were selected from the heroes of the American Revolution, national political figures, and territorial officials. Near the center of the Public Square was an elevated rocky knoll, a fitting place indeed for a "Temple of Justice." Thus did Coffee fulfill the expectation of his employer as well as the specifications laid down by the territorial legislature.

Persuading the commissioners to agree to accept this well-planned town proved to be much more difficult for Walker and Coffee than putting the finishing touches to a natural setting. Edward Ward, one of the commissioners who had large land holdings in the county, led a forceful fight to prevent the acceptance of Coffee's plan. Not only did Ward use his eloquent oratory in the closed sessions of the commission, but he also spoke publicly to the populace. Finally on July 5, 1810, a majority of the commissioners voted to make Huntsville, henceforth to be called Twickenham, the county seat.

According to the terms of the agreement, the proprietors agreed to sell thirty acres in the southern part of town to the commissioners for \$23.50 an acre, the exact amount paid by them for the tract. There was obviously a swap-out in the transaction by which the proprietors retained the southern part of the square containing the Big Spring and the commissioners received the northern part of the Public Square. The town was guaranteed the use of the spring waters, but no dams or machinery could be erected that might endanger the purity of the water. Special provision was also made whereby the proprietors were to receive lots in the southern part of the town to compensate them for the acreage contained in the streets, not included in the thirty-acre purchase. At first two lots were reserved for this purpose, but when the final deed was drawn, four lots were transferred because it was found that the streets in the commissioners' part of town contained a little more than three acres.

When the first contract was drawn, only one-fourth of the purchase price of the land had been paid. Consequently, it was not until the final payment was made on February 3, 1815, that a patent was issued to Pope for the southwest quarter of section thirty-six, township three, range one west on which Huntsville was situated. In the meantime he had been successful in purchasing the interests of the other proprietors, and when the deed to the town was drawn up on September 1, 1815, Pope and his wife were the only grantors who signed the transfer.

On the evening of July 5, 1810, both the proprietors and the commissioners opened their lots for sale. Coffee and Walker disposed of only four while the commissioner sold twenty-four. The total sale netted around \$8,000, with lots selling from \$100 to \$750 each. In reporting this transaction to James Jackson and W. P. Anderson, Coffee stated that he and Walker had decided to postpone the sale of the rest of their lots to a future date when they would sell at higher prices and thus insure greater returns from their Huntsville "speculation."

Louis Winston, in a letter to Governor Holmes from Twickenham, September 23, 1810, reported that Colonels Pope and Bibb, and their friends from Georgia had all arrived in the county. In describing the populace, he wrote, *We have a fine society; Virginians are flocking to this delightful country.*

Twickenham was never a popular name with the people living in the county seat, for they had grown accustomed to the use of Huntsville. This question became a political issue and resulted in a special territorial act on November 25, 1811, which changed the official name of the town to Huntsville. Two weeks later, on December 9, an act of incorporation was passed, thus giving the town a charter and a government.

At the time of its incorporation, Huntsville had all the signs of becoming a thriving commercial center in the heart of a rich agricultural area. The squatter population in 1809 had numbered some three hundred, and to this group had been added a number of merchants, millers, clerks, distillers, mechanics, lawyers, doctors, and planters. Many of these people had been leaders in the states from whence they migrated; others, young men trained in law or medicine, had migrated to the frontier where advancement would perhaps be more rapid.

According to the territorial act which empowered the commissioners to create a county seat and erect public buildings, the courts were directed to occupy the courthouse as soon as it was *fit for the reception of the courts of said county*. By November 1811, the first courthouse had been completed to the point that its courtroom could be used for the fall term of Superior Court.

The two-story brick structure on the highest part of the Public Square faced south. At first only the lower story was completed to house the county officials and the courts. The basement portion which opened on the north was apparently used for a public market place. On the northeast corner of the Public Square a small wooden jail with pillory was constructed to care for public offenders. During this early period the courthouse served as a meeting place for both civic and religious groups, and the Public Square became the hub of commercial activity as stores were constructed on all sides of it.



First Madison County Courthouse 1811-1837

Not until after the depressing years of the War of 1812 did county officials take the necessary steps to provide for the completion of the second story of the courthouse. By a special territorial act of December 16, 1816, the justices of county court were empowered to act as commissioners to contract for and superintend its completion. The measure also provided for the purchase of a suitable lot upon which to construct an adequate jail and pillory.

On June 10, 1817, William M. Watkins and John H. Hickman entered into a contract with LeRoy Pope, Abner Tatum, and David Moore, Justices of the Quorum, to undertake the completion of the courthouse within five months. The agreement included placement of encased window sashes in the upper story, repairing the crown molding of the cornice, covering the roof of the courthouse and its cupola with new poplar shingles, remodeling the cupola, and topping it with a new and neat turned block, dressed off with gilt and crown the whole with a neat gilt Eagle not less than three feet across.

When it was determined that the undesignated funds in the county treasury were not sufficient to cover the cost of completing the courthouse and constructing a jail, a special tax not to exceed one-half of the territorial levy was authorized by the legislature on February 13, 1818, to provide the necessary finances. Although no permanent record was made of construction and total cost of the first

public buildings, Judge Thomas Jones Taylor stated in his *Early History of Madison County* that the second jail was constructed on lot number fourteen located at the corner of Greene and Clinton Streets.

By 1818, the Public Square had become the hub of extensive activity. Ann Royal in her travel account, *Letters from Alabama*, reported on January 1, 1818, that Huntsville contained 260 houses made principally of bricks, a bank, a courthouse, a market place, and many stores. Commenting on the Square, she wrote: *There is a large square in the center of the town, like the town in Ohio, facing this are the stores, twelve in number. The buildings form a solid wall, though divided into apartments. The workmanship is the best I have seen in all the State; and several of the houses are three stories high and very large. There is no church. The people assemble at the Court House to worship. Huntsville is settled by people mostly from Georgia and the Carolinas--though there are a few from almost every part of the world--and the town displays much activity. The citizens are gay, polite, and hospitable, and live in great splendor. Nothing like it in our country.*

In August of 1819, another writer described the county seat thus: *Huntsville is the principal and oldest town in the Valley of (The) Tennessee (River), and is the capital of Madison County. The United States have here a land office which, since its establishment (1811), has done more business than any two others, it has a bank with a capital of 500,000 dollars (Planters and Merchants Bank); two printing offices, and 2,500 inhabitants. It is a most flourishing town, in the midst of one of the finest counties on earth. Here met the Convention in July, 1819, to frame the Constitution for the government of the State..*

The convention mentioned in this description convened in Huntsville's Assembly hall located on the corner of Franklin and Gates Streets on July 5, 1819, and by August 2 it had written and adopted Alabama's first state constitution. Since many of the political leaders of the newly created Alabama Territory lived in Madison County, it was through their influence that Huntsville was chosen as the temporary capital of the state from June through December of 1819.

After the Constitution was completed, elections were held throughout Alabama on the third Monday and Tuesday of September 1819, to choose state officials and members of the legislature. On October 25, the legislature convened in temporary quarters to being its work. On November 7, the House of Representatives began holding its meetings in the courtroom on the ground floor of the courthouse, and on November 9, William Wyatt Bibb was inaugurated governor in this room in the presence of a joint session of the House and Senate. Normally, the Senate held its deliberations in a room located in the house of James Dunn which was rented for this purpose. The work of this first legislative session was monumental in that it set in motion patterns of state and local government that served the needs of the people for many years.

Within the next few years the legislature provided a uniform system of government for all counties in the state. Since Madison County had been one of the seven units of local government created prior to the formation of the Alabama Territory, certain changes were made in its court system. The superior court was replaced by a state circuit court system, and Madison was made a part of the fifth judicial circuit in 1819 with Clement Comer Clay of Huntsville designated by the state legislature as presiding judge. Initially only the title of the county governing body was changed from Justices of the Quorum to Inferior Court in 1819, but two years later, sweeping changes were made which involved its jurisdiction and the selection of its members. A legislative act of 1821 abolished the five man county court and made provision for one judge to be selected by the legislature and to hold office *during good behavior*. After 1831, his office was limited to a term of six years. Besides the civil judicial powers vested in this office, the county judge was also made the presiding officer of the commissioner's court created by the same act. Samuel Chapman became the first judge of this court, and James Manning, Gross Scruggs, Charles Betts, and Samuel Walker were elected to serve as members of the commissioner's court for a one-year term. In 1827, the commissioners' term of office was changed to three years.

The powers of the commissioner's court, predecessor of the present board of commissioners, included the levying of such general and special taxes as were necessary to maintain county government, controlling the property and finances of the county, constructing and maintaining roads, and appointing certain officials as directed by law.

By 1830, the roster of county offices included commissioners of roads and revenue, county and orphans' court, circuit court, justice of the peace, notary public, circuit solicitor, sheriff, coroner, constable, tax assessor and collector, treasurer, county auctioneer, road apportioner and overseer, overseer of the poor, and county surveyor. This increase in the number of local officials is but one indication of the rapid growth of the county during its formative period.

The federal census figures for Madison County in 1820 showed a population of 17,481 almost evenly divided between whites and slaves, but by 1830 this figure had risen to 27,990 with the slave population making up fifty-three per cent of the total. A further analysis of the Alabama census shows that Madison County continued to hold first place in population and wealth in the state.

Amid the prosperous years of the early 1830's, the commissioner's court made plans to build an imposing new courthouse to accommodate the needs of an expanding government and to grace the center of what was considered to be one of the most beautiful towns in the South. A special legislative act, passed on January 10, 1835, empowered the Madison commissioners to levy a tax for the purpose of

defraying the expense involved in building a new courthouse in the town of Huntsville.



Second Madison County Courthouse, 1840-1913

Meanwhile George Steele and Thomas and William Brandon, local architects and builders, were asked to submit proposed plans for the design and cost of the structure. On August 29, 1835, the commissioner's court adopted the plans drawn up by George Steele, and a committee was appointed to seek proposals from contractors who would undertake its construction. Advertisements for bids were placed in the Huntsville and Nashville papers, but none was forthcoming that was acceptable to the commissioner's court. Because immediate funds were needed in order to let a contract prior to the time that tax funds were made available, the county officials asked the state legislature to empower them to borrow \$12,000 from the Branch Bank of Alabama located in Huntsville.

The next attempt to secure bids for construction of the new courthouse bore fruit. Dr. Thomas Fearn and James I. Donegan, prominent businessmen of Huntsville, were selected by the commissioners to receive proposals on or before December 1, 1836, and to let a contract for a building to be constructed in accordance with George Steele's plan. They also were directed to *superintend the same in every manner and respect*. Early in 1837, the firm of Mitchell and Wilson

was employed to construct a two-story stone and brick building with a dome on top and a full basement beneath at an approximate cost of \$31,000.

The building of Stephen S. Ewing located on the Public Square was rented to serve as a courtroom and county clerk's office while the new courthouse was under construction. According to the commissioner's court records, this building served as the temporary courthouse from August of 1837 to January of 1840. Apparently the new courthouse was occupied before its final completion during the early part of 1842.

On April 2, 1838, George Steele was appointed superintendent over the contractors to insure proper execution of the plans which he had drawn for the new courthouse. For his services, which were to extend to January 1, 1840, he was allowed \$1,500. The agreement further stipulated that in the event the building was not completed by 1840, then he was to receive further compensation for his work after that date. Because the project did extend well into 1840, he was further compensated \$500, thus bringing his total fee as architect and superintendent to \$2,000.

As the work got under way, the old courthouse was sold at auction for \$494.00 and removed. The ten-foot elevation on which it stood was then graded down and the rock used in macadamizing the area around the square. Originally the contract called for a tin roof for the structure, but in 1839 the commissioner's court voted to spend the extra money necessary to obtain a copper covering for the roof and dome. The expense involved in this change added \$3,966.02 to the original cost anticipated and involved considerable time in securing the copper from a firm in Baltimore, Maryland.

On July 22, 1839, a contract was drawn between the commissioner's court and Thomas R. Rayon for the construction of a stone wall with oval corners around the courthouse to reach within fourteen feet of the streets on the Public Square. At this time, a contract with C. T. and R. Parker was also signed which provided for an iron railing to be placed on the stone wall. The total cost of the enclosure included \$4,761.25 for stone work and \$4,000 for the iron rail and gates.

Records of payments made to Mitchell and Wilson over a period from December 27, 1837, to February 7, 1842, show that they received \$33,893.37 for construction of the courthouse and grading the ground around it. The total expense involving this contract, the superintendent's fee, the copper roof, and other incidentals came to \$40,175. To this figure was added the cost of enclosing the courthouse square which amounted to \$8,761.

Incoming revenues to defray the expenses of improving the Public buildings and other costs of local government were defined thus by the commissioner's court on May 4, 1840: *Ordered the following be the rates of taxation for the year 1841 being by the authority of Acts of the Legislature to raise a revenue for building a new courthouse and other*

purposes to wit: On every \$100 worth of land, ten cents; on every \$100 worth of town property, ten cents; on every \$100 worth of merchandize sold from the first day of May 1839 to first day of May, 1840, twenty cents; on each slave not exceeding ten years old, sixteen cents; on each slave over ten and under sixty years of age, fifty-six cents; on each free male negro or mulatto, over the age of twenty-one years, one dollar; on each \$100 worth of pleasure carriage and harness, fifty cents; on each race, saddle or carriage horse, fifty cents; on each public race tract, ten dollars;...on each gold watch, one dollar, on each silver or other watch, forty center; on each metal clock, one dollar, on each clock not metal, twenty-five cents; on every \$100 loaned at interest, twenty-five cents; on each pack of playing cards sold, given away, loaned or otherwise disposed of, twenty-five cents; on all goods sold at auction, other than exempted by law, two percentum; on each share of bank stock of \$100 value in said state, one dollar; on each billiard table kept for play, \$150 including state tax; on all white males over twenty-one and nor more than forty-five years, twenty-five cents; and on such things as are not herein enumerated and were heretofore objects of state taxation, the amount of the state and said county tax for the year 1835, and it is further ordered that thirty percentum be added to the foregoing taxation for the purpose of defraying in part the building of a bridge across Flint River at the three forks thereof.

As soon as the new courthouse had been completed, plans were set in motion to construct a larger jail, and a legislative act of 1843 made provision for Madison County to levy a special tax to cover the cost of it. Since the records of the commissioner's court are missing for the years 1844-1849, no figures are available to ascertain the cost of its construction. In 1862, however, it was partially destroyed by federal occupying forces and replaced at a cost of \$2,500. One further addition was made to the courthouse in 1849 when the town and county governments cooperated in installing a large four-faced clock on top of its dome. This timepiece continued to serve the town of Huntsville until it was dismantled in 1964 to make way for the present courthouse, but as of January, 1967, its bell once again rang out the time on each half hour.

Between 1830 and 1860 no radical changes were made in Madison County's government, but a number of offices were created. In 1833, the duties of assessing and collecting taxes were turned over to a tax assessor and a collector. In 1839, a district chancery court was created and a chancellor appointed to handle its affairs. At the county level, a register in chancery was appointed the same year. In 1850, the probate court was established by a general legislative act which substituted such a court in every Alabama county for the early county court that had previously exercised probate jurisdiction, and John W. Otey became its first judge. At this time the county court's jurisdiction in civil suits was transferred to the circuit court. In 1856, the office of county superintendent of education was created to administer free public schools

which had been created by general legislative action for the whole state of Alabama in 1854.

On the eve of the Civil War, Madison County was still considered one of the wealthier areas of the state and its political influence in state affairs remained strong. Huntsville also continued to be a key economic and cultural center in the Tennessee Valley. Because of its strategic position on the Memphis and Charleston Railroad, it was occupied by federal troops as early as April 11, 1862, and continued to suffer the privations imposed by occupation until the war ended in 1865. When it became evident that the courthouse would be taken over by federal military officials, most of the public records were removed to Blount County for safekeeping. Through the courthouse itself weathered the ravages of the war period, it, like many other structures in the town, received some permanent scars.

The reconstruction years in Madison County, in many respects, were more trying than the war years had been. This period was marked by inefficiency in government at all levels as well as economic depression. With the adoption of the Alabama constitution in 1875, local and state government resumed a more normal pattern of existence, and economy and honesty in government were emphasized to the detriment of needed educational and health services. In 1879, a board of education was created for Madison County, but adequate financial aid to public education was not forthcoming until the first decade of the twentieth century. The post of county health officer was created as early as 1881, but it was not until after a series of typhoid epidemics in Huntsville that a movement was begun which resulted in the establishment of a Madison County Health Department in 1918.

Between 1880 and 1900, business leaders of Madison County worked to improve agriculture and bring in a variety of industries which would revitalize the economy. Nurseries were established, cotton textile mills built, and an assortment of small factories opened to produce wood products, small tools and implements. Monte Sano was developed as a summer resort in 1887 to attract tourists from all parts of the nation--a venture which prospered until 1900. Diversification in agriculture brought increased prosperity to Madison County's rural population, and this prosperity in turn aided the expansion of commercial interests in the town of Huntsville.

The federal census of 1910 listed the population of Huntsville as 7,611 and that of Madison County as 47,040, thus showing an increase of almost one hundred per cent within a fifty-year period. Although the county remained economically prosperous, its political influence was considerably diminished in terms of state affairs. Tennessee Valley political leaders were no longer serious contenders for the governorship or other state offices.

After the adoption of the Alabama constitution of 1901, Madison County government became less autonomous. While continuing to retain its traditional functions regarding strictly local affairs, the county became more and more an

administrative district of the state. As federal and state governments began to assume more responsibility for rendering services to people, Alabama tightened its control over tax assessment and collection, law enforcement, election administration, education, health, and public welfare at the county level. As the number of county officials increased, the second courthouse was no longer adequate to furnish office space for them. Once again, as in the 1830's, the commissioner's court began to consider the feasibility of constructing a new courthouse. The commissioners as well as the people were divided on the question.



Third Madison County Courthouse, 1914-1964

At a mass meeting held to discuss the matter on February 15, 1913, those who wished to preserve the imposing Parthenon-like structure insisted that it could be enlarged and improved to accommodate the needs of county government. Others who wanted a new and modern structure reasoned that the building should reflect the intelligence and progress of the people, and that visitors to the county would be more impressed with a new courthouse than the old dilapidated one which stood on the Public Square. Some pointed out that they did not believe that the old courthouse could stand remodeling or reconstruction since the walls were badly cracked. One prominent citizen favored a new courthouse to be placed somewhere else so that the old building could be

used as a place for exhibitions of products and as a home for county people when they spent the day in the city. The Chamber of Commerce presented a series of resolutions urging the construction of a new courthouse on the basis of such needs as adequate space for the daily transactions of government, adequate protection for valuable county records, and needed restrooms for the convenience of county people.

After considering the question for two months, the commissioner's court voted on March 26, 1913, to remodel and improve the old courthouse at a cost not to exceed \$75,000. On April 21, the plans of architect C. K. Colley of Nashville were accepted with the stipulation that bids for construction would not exceed \$65,000. According to his plan, only the columns and sidewalls of the old building would be retained, and two wings with a third entrance facing west were to be added to the structure. To finance this project, warrants were to be issued by the commissioner's court bearing interest at a rate not to exceed six per cent per annum and payable by means later to be determined by the court. On November 3, 1914, a special election was held to empower the commissioner's court to issue \$85,000 worth of interest bearing bonds in order to buy up these original warrants, and to pay for the total cost of the courthouse and its furnishings.

The bid submitted by Little-Cleckler Construction Company for \$59,000 was accepted on June 16, 1913, and plans were put in motion to remove the county officials' offices to the Elks Building the second week in July. As work progressed during the summer months, it became evident that the walls and columns of the old building were in a crumbling condition, thus making it necessary to reconsider the construction of an entirely new building. The commissioner's court agreed on October 6, 1913, to build a new structure of the best quality of light or gray-colored brick with four entrances. Columns to be used on all four porticos were to be of hewn solid stone and fluted like the ones in the old courthouse. A sum of \$10,000 was appropriated to cover the increased cost involved in these changes. At this term of court the commissioners also voted to accept the offer of the custodian of the United States Court Building to allow the various county courts use of this facility while the courthouse was being constructed.

Work progressed on schedule, and by April 22, 1914, a contract was let with the Art Metal Construction Company to supply the furnishings for the courthouse at a cost of \$12,522.18. By mid-August Little-Cleckler Construction Company had finished their work and plans were made to dedicate the building on September 10, 1914.

On September 9, the *Huntsville Mercury Banner* announced the forthcoming event and took occasion to comment on the courthouse which had recently been torn down... *The old building was designed after the Greek Parthenon. It had a great history, and could its old walls have spoken they could have told of the oratory and eloquence of great lawyers, distinguished Congressmen, famous Senators in Congress and Presidents of the Republic. But, like all*

things of earth, having served its purpose and lived out its years of usefulness it passed away to make room for the new, larger, and better suited structure for the present day demands. May it (the new one) do so long and well as the old. The cornerstone will be laid at 11:00 o'clock on September 10, 1914 by the Masonic Lodge of Alabama. Everyone in Madison County is invited. Refreshments will be served and several speeches will be made.

The crowd that came to view the new courthouse found it generally acceptable. The town clock encased in its new home, the old iron fence, and the massive Doric columns supporting all four entrances helped to placate the feelings of those who had been the most severe critics of change. The Confederate Soldier, a memorial to the confederate dead, placed on the west lawn by the U.D.C. in 1905 and the D.A.R. plaque containing a roll of Revolutionary soldiers buried in Madison County placed at the north entrance also remained to lend further evidence that all was not changed amid the rush of economic progress.

Late in 1914, the herd of pet deer which had lived on the courthouse lawn was transferred to the McCormick estate on Meridian Street, but the iron fence continued to serve as hitching posts around the Public Square for some years. After a heated argument concerning its removal, it was finally taken down in 1921 and a heavy iron chain put in its place. When it was discovered that the Big Spring, the town's main water supply, was being polluted by manure seepage from the hitching area around the Public Square, the commissioner's court had to take action in spite of the protests of those who hated to see the old landmark go.

Amid the economic expansion engendered by World War I and the boom period of the 1920's, the county government increased its activities as an administrative agent of the state. In 1911 the office of farm agent was created and in 1915 the position of home demonstration agent was added to farm extension service in Madison County. A license inspector was appointed in 1919 and in 1923 the Board of Review, later call the Board of Equalization, was established on a permanent basis. In 1923, the board of county commissioners replaced the board of revenue which had replaced the old commissioner's court in 1919. A county court which combined the offices of a number of justices of the peace was initiated in 1911, and a circuit court for the individual county of Madison was created as the twenty-third judicial circuit of the state of Alabama in 1931. With the coming of the depression in 1929, the need for the expansion of welfare led to the permanent establishment of a Department of Welfare in 1935 which later became known as the Department of Pensions and Securities.

By 1937, the courthouse had again become inadequate to house the daily activities of county government and the Elks Building on Eustis Street was acquired to relieve the situation. Extensive renovation of the courthouse in 1940 brought some relief but not enough to take care of the needs of an expanding population.

With the advent of the Tennessee Valley Authority, created by act of Congress in 1933, the potential for great economic expansion in Madison County, as well as the whole valley, soon became apparent. The varied TVA programs resulting in more adequate flood control, improved water transportation, better land utilization, and the production of abundant hydroelectric power, did much to aid the valley's recovery from the depression years of the 1930's.

Between 1940 and 1966 Madison County experienced the largest population growth in its history. In 1941, just before the outbreak of World War II, the federal government made plans to place two large installations just south of the city of Huntsville. The Chemical Warfare Service built a chemical manufacturing plant on a site which became the Huntsville Arsenal, and the Ordnance Department constructed a shell loading plant close by at Redstone Arsenal. As the end of the war approached, the work force at these two installations had grown to 20,000. Shortly after V-J Day on September 2, 1945, all production facilities were placed on standby. Not until June 1, 1949, when Redstone Arsenal was reactivated to fulfill a new mission for the Ordnance Department, did the military contribute substantially to the growth of the county's economy. With the transfer of a small group of German missile experts to Huntsville in 1950, there began a new era. The areas included in both arsenals were combined to form the Redstone Arsenal complex which, by 1966, included extensive activity related to research, development, and training for missile and space vehicle programs. Total employment of the George C. Marshall Space Flight Center and the various United States Army missile facilities had reached approximately 40,000 with an annual payroll of more than \$200 million. The total yearly industrial payroll for Madison County had reached a figure of more than \$460 million and the annual agricultural income stood at a figure in excess of \$23 million.

Census reports also reflected the extent of Madison County's growth. In 1950, its official population stood at 72,903; in 1960 at 117,348; and in September 1964 at 173,284. The dramatic jump in Huntsville's population from 16,437 in 1950 to 72,360 in 1960 can be explained in part by the extension of the city limits in 1956 to include many of the suburban areas that had grown up around it for a period of fifty years. However, the fact that Huntsville's population doubled between 1960 and 1966 to reach an estimated 144,000 by January 1, 1967, can best be attributed to its increased role in the missile and space effort of the United States. Amid the rapid transformation taking place in all segments of life in Madison County, planning became a key factor in the activities of both city and county governing bodies. Working together, these governments set in motion extensive expansion and planning programs to allow orderly growth and to provide adequate services to its people. Such planning included a new municipal building, courthouse, library, auditorium, arts center, and community park areas.

Planning for a new courthouse began as early as April 13, 1961, when the board of commissioners voted to secure

the services of Space Utilization Associates to survey the space needs of the county. On December 4, 1961, the chairman of the board of county commissioners was authorized to employ two architectural firms, recommended by this group, to draw up preliminary plans for a new building. Three months later on March 2, 1962, the Madison County Public Building Authority was created to implement the financing of the new courthouse. James R. Cleary became attorney for this group to help work out the details of financing which included a plan whereby \$4,501,500 could be secured by the sale of bonds and funded over a period of thirty years. On August 20, 1962, the commissioners voted to retain the Public Square as the location of a new building and raze the existing courthouse.



Fourth Madison County Courthouse, 1966

Public hearings were set for October to let citizens express their views concerning this decision. Once again those who loved the old familiar atmosphere of the Public Square tried to keep it intact, but the forces of change were too strong to allow the "nineteenth century look" to remain. When the Huntsville Historical Society, one of the chief defenders of historic preservation, realized its cause was futile, its members sought to compromise with those who wanted a "modern look" on the Public Square by urging that the architecture of the new courthouse be of a "timeless type." They also urged that the southeastern residential section of "Old Huntsville" be protected by the creation of an historical zone to be known as the Twickenham District.

After considering the advice of architects, engineers, and geologists concerning the suitability of the Public Square for a multi-story structure, the commissioners decided on December 3, 1962, to move ahead with plans to build on the original courthouse site. At this time, architects Loyd Kranert and Thomas Jones were authorized to submit preliminary plans for the building and on December 20, 1963, these drawings were approved. The annex on Gallatin Street which had housed the educational programs of the First Baptist Church before it moved to Governors Drive was rented for use as a temporary courthouse, and county officials moved their offices to this location on August 20, 1964. The United States Courtroom located in the downtown postoffice on Holmes Avenue was used by the courts from September 1964 until December 1966.

On October 1, 1964, Bama Wrecking Company was awarded a \$37,050 contract to demolish the old courthouse. The contents of the 1914 cornerstone were removed for safekeeping, and the twenty massive stone columns were retrieved to be used elsewhere as a reminder of Huntsville's architectural past. In 1966, the Chamber of Commerce Transportation Committee proposed a plan for their use in constructing a Parthenon-type structure on the Burritt Museum property on Round Top Mountain, but this use was not accepted by the Burritt Committee. Three of them now grace the entrance to the Huntsville Botanical Garden and the others are to be used elsewhere in the garden..

The architect's final plans for the new courthouse were accepted by the commissioners on November 16, 1964, and the Public Housing Authority awarded a contract to Pearce, Demoss, and King of Decatur, Alabama, on March 16, 1965, for \$4,501,500 to construct an eleven-story building with basement. Since the jail was to be placed on the ninth and tenth stories of the new courthouse, the commissioners voted on October 8, 1965, to sell the old jail. They also agreed at this time to sell the courthouse annex on Eustis Avenue. As work on the new structure progressed, it was determined that an additional courtroom was needed to provide space for the four circuit judges now serving Madison County. For this purpose the commissioners voted to spend a maximum of \$75,000. To the original contract price, the county contributed \$800,000 in cash for construction costs and interior furnishings and equipment, thus bringing the total cost of the courthouse project to approximately \$5,301,500.

During the summer months contracts were awarded to various business firms for equipment and furnishings at a cost of approximately \$300,000. Business Equipment Company, dealers for Art Metal Construction Company, and Roberts and Sons of Birmingham were the two principal contractors selected to supply most of the items required. Though the original September 26, 1966, deadline for completion was not met, the new courthouse was occupied within three months of the target date. County officials began moving into their new offices on December 16, and county court was held in its new quarters on January 5, 1967.

For the first time since 1818, the Public Square provided space for the jail which was located in streamlined quarters on the ninth and tenth floors of the new courthouse. When the third jail on lot number fourteen had become too small, a site on Jefferson Street had been secured and a three-story brick building completed in 1929 at a cost of \$83,000. Prisoners were transferred from this location to their new quarters on January 28, 1967.

The one part of the original courthouse complex no longer associated with Public Square was the market house. When the first courthouse was torn down, the public market was moved to the Holding Block east of the Square. In 1850, it was transferred to a site near the corner of Clinton and Washington Streets where it remained until 1914. Between this date and 1935, farmers once again marketed their produce in the parking area on all four sides of the Square; but in 1935, the county furnished farmers a covered market house near the Big Spring branch directly across from the present City Utilities Building. In 1963 this facility was moved to Cook Avenue, N.W. to make way for the relocation of a portion of Gallatin Street in the Heart of Huntsville Plan.

Although the courthouse lawn was newly landscaped in 1966, the historic markers and monuments were returned to their places to remind people of their heritage. Temporarily missing from his pedestal was the old confederal soldier who was undergoing repair after losing a battle with a demolition squad employed by the Huntsville Housing Authority. As the last brick wall on Cotton Row came thundering down, the crew accidentally let it crush the soldier as he stood on the lawn of the First National Bank awaiting his transfer back to his station on the Public Square.

Dedication of the fourth courthouse was held on March 5, 1967. At this time the cornerstone, containing items selected by the Huntsville Historical Society, was laid, speeches made, and refreshments served just as in September of 1914. Following the ceremonies, citizens of Madison County inspected their newest "Temple of Justice" located on the same Public Square that still served as the seat of county government for which it and the town of Twickenham, now Huntsville, had been created on July 5, 1810.

1993 Update on the Public Square

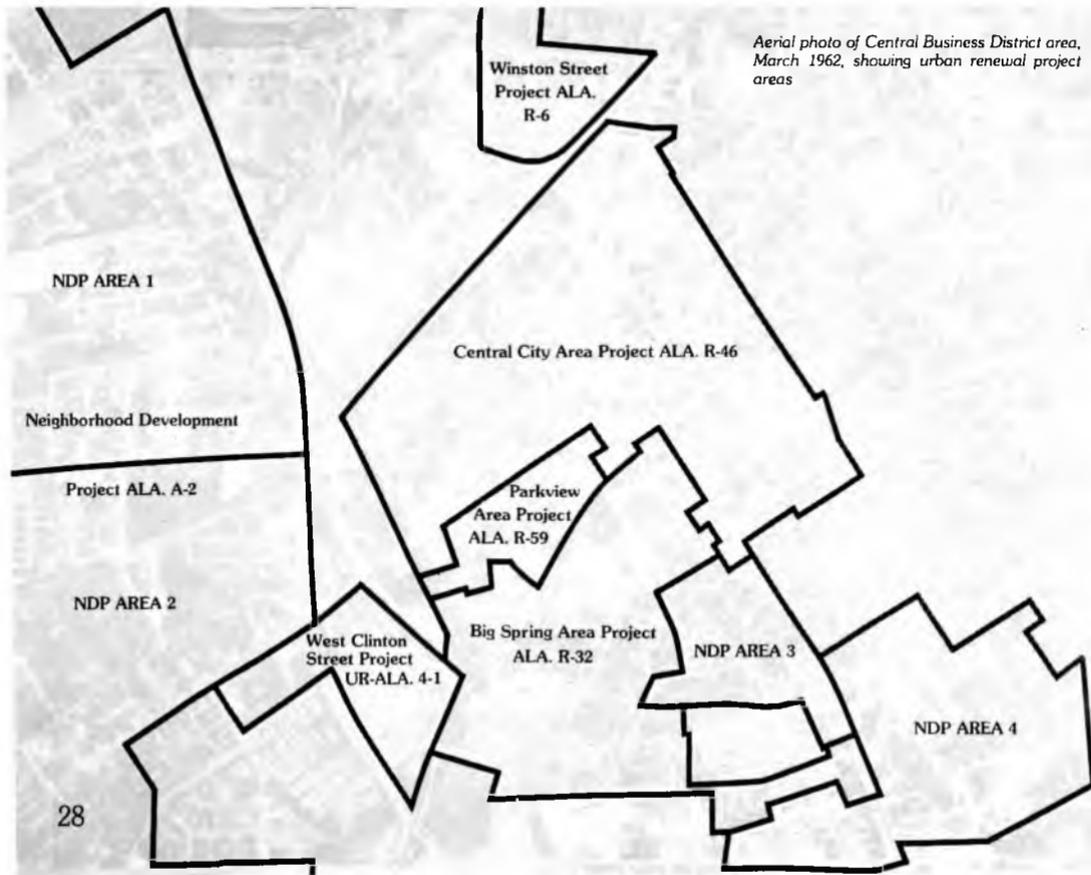
The new courthouse continued to house many of the functions of county government, but the other activities which had been carried on around the public square began to change, and in the next twenty-five years all of the retail stores with the exception of Harrison Hardware, owned by the Historic Huntsville Foundation, had gone out of business or been removed from the square to the many shopping centers scattered throughout the city.

Like many other cities, Huntsville became involved in urban renewal programs after World War II which allowed local governments to receive large amounts of federal money to aid them in rehabilitating most of the territory which lay within the city limits of Huntsville in 1950. The Housing Authority of the City of Huntsville undertook the responsibility for carrying out seven major projects which conserved, rehabilitated, and developed almost two square miles of land. (See accompanying map showing projects.) These projects replaced blighted, substandard, and crime-ridden areas of the central city with a redesigned and rebuilt metropolitan area capable of serving the needs of rapidly expanding urban area. From the beginning of these projects in 1956 to 1981 when the seventh and final project (ALA R 46) was completed, a striking transformation in the physical face of the whole of downtown Huntsville had been achieved. Through these seven projects, large tracts of land within and bordering the original forty acre, nine square blocks, which included the Public Square, were cleared of obsolete and decaying structures, reshaped through street and road redevelopment into new tracts, and sold for development of both new public and private facilities.

All utilities in the expanded downtown area were replaced or reworked to provide the central city with electric, water, and gas delivery systems that would last for the next half century. By placing all wires underground, installing distinctive new street lighting, and removing many oversized signs, the semi-mall around the Madison County Courthouse became a successful beautification project. But it also helped to reduce traffic congestion in the area and provided incentive for rehabilitation of existing buildings and construction of two new facilities on the east side of the Public Square.

As a phase of Project Ala. R 46, the streets and pedestrian travelways immediately surrounding the square, one block east on Eustis and Randolph Avenues, two blocks south on Madison and Franklin Streets, and two blocks north on Washington and Jefferson Streets, were all redesigned and rebuilt. Sidewalks were removed and replaced with pedestrian walks constructed of old bricks and made much wider than the previous walks. Trees, planters, lawn areas, and covered rest stops were installed to create a parklike environment.

Today the Public Square remains at the heart of downtown Huntsville, and serves as a legal and professional



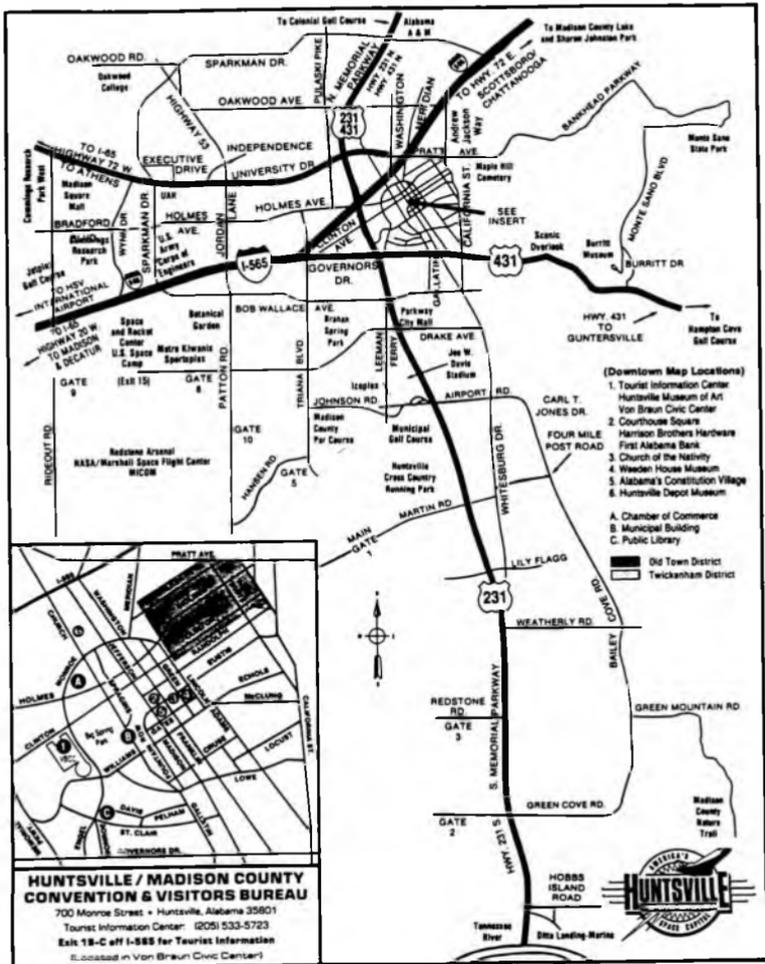
*Aerial photo of Central Business District area,
March 1962, showing urban renewal project
areas*

center. It is protected from physical decline because of its location. To the west the International Big Spring Park serves to connect the square with all municipal buildings and the Von Braun Center Complex. To the south lies Alabama's Constitution Village and the Medical District. To the east it is protected by two historic districts, Twickenham and Old Town, both of which exist to preserve the city's historic architecture. To the north, new structures such as AmSouth Bank are gradually filling in the tracts of land that were cleared of dilapidated structures. Since I-565 has been completed, existing structures as well as new ones have been added to the area around the Depot Museum.

Although much has been done to revitalize the central area of the city, there remains much to be accomplished. The courthouse as well as the grounds around it need to be refurbished. In order for the Public Square to retain its beauty and usefulness, its walkways need repair, its trees and shrubs need to be trimmed, its inappropriate signs need to be replaced with those in keeping with its physical structure, and its vacant buildings need to be put to use.

Thus far in Huntsville's history its citizens have been able to blend the past with the present and look to the future in such a way that the Public Square continues to be an important focal point in the city.

References: Space does not permit the listing of detailed end notes. The materials contained in this article were obtained from the following sources: Mississippi Territorial Records, Alabama Records, Madison County Records, City of Huntsville Records, published documents, and selected published works on state and local history. The first part of this article was written for the Dedication of the Fourth Courthouse on March 5, 1967.



HISTORICAL INTERPRETATION OF RECENT EVENTS
CONCERNING THE VALIDITY OF THE HOLOCAUST

1. Revisionism: Skinheads as Pseudo-Historians by John Rison Jones, Jr., retired historian.

The recent turmoil in Huntsville involving the appearance of British historian David Irving on the subject of the historical accuracy of the holocaust raises a number of issues of concern to the professional historian. I re-read Professor Deborah Lipstadt's work *DENYING THE HOLOCAUST* (Free Press, 1993) to be certain of the issues. In the mire of intellectual dishonesty that characterizes this new concept of "denying," a new breed of "historian" is being created.

My concerns are two-fold: I served in the infantry in World War II and fought in France, Belgium, Holland, and Germany. I know what I saw, and I knew why I fought. After the war, I attended the Graduate School of the University of North Carolina and was among the first of the post-war students of history allowed to work in "the recent period." Most students were permitted to work only in historical areas where the documentation was relatively complete, i.e. pre-1914.

I chose to work on French foreign policy during the first years of Nazi Germany, specifically the policy of Louis Barthou, the foreign minister, in 1934. He was assassinated in October of that year along with the King of Yugoslavia. Much of my research was done in France and England with a host of personal interviews with participants. It was obvious some 40 years ago that the French were very nervous about World War II. Collaboration was still a burning question, and some friends who participated in the resistance told me of their personal struggles in overcoming a basic anti-semitism when their activities involved saving Jewish citizens and especially young children. For many it was a religious question, since the teachings of the church had been basically anti-semitic. It was a real education for me to try to understand the deep emotions generated by the war and its aftermath.

Historians have a very special task. They must have a deep appreciation of truth in the dual task of writing history and preserving truth. To preserve the past often means a reconstruction, particularly to review the options available to decision-makers. It is difficult to put yourself into the mind of the subject and to know, without question, how and why an event took place. In many instances, all one can do is to lay out the evidence (all of it) and avoid a definitive decision. While this is a "cop-out", at least both sides are fairly presented and truth has been preserved.

The following are some observations of importance to members of the Huntsville-Madison County Historical Society. These observations concern revisionism, which is acceptable, but unacceptable from those who distort truth because it is

inconvenient, especially when the attack has other more base purposes.

The dangers of historical revisionism are all too evident in the writings of a new breed of pseudo-historians who "deny the holocaust. What is especially dangerous is an attempt to rehabilitate Adolph Hitler and Nazism as the "good guys" trying to save the world from Communism and Jewish world domination by making Roosevelt, Churchill, deGaulle, and others the "bad guys" who stopped this mosts noble effort.

Revisionism is almost always based on a reinterpretation of facts, and almost never on the basis of new, convincing evidence. Many historians still ponder whether President Roosevelt deliberately allowed the Japanese to attack Pearl Harbor in order to arouse the American people and permit a successful entry into World War II. French historians have been able to rehabilitate Napoleon as the Solomon of the French Revolution who brought enlightenment and logic to Europe. French aggression is easily justified as a "noble cause." Southern historians have tried for nearly a hundred years to justify the Civil War, without justifying slavery. And, taken out of context, it is easy to prove that the United States is one of the greatest mass-murderers in history because we used the atomic bomb in 1945, denying the callous argument that it brought peace sooner and saved American lives.

The new revisionsts have a different strategy. They deny. They invent documents, suppress unwanted evidence, attack numbers, redefine events and denounce eye-witnesses. If one believes the yellow "Star of David" was designed to protect Jewish citizens, one probably believes the world is flat. If one believes Hitler regretted statements he made in *MEIN KAMPF*, perhaps he can be thought of as a man of art and architecture. Perhaps it is too subtle to make distinctions between "death camps" (which are denied) and "concentration camps." They were different, but the inmates were not. The deniers would deny the concentration camps too if there were not too many individuals who saw at first hand this ignoble aspect of Nazism. The 414th Regiment, 104th Infantry Division, captured the camp at Nordhausen in April, 1945. I was there and I can still smell the stench and the thought of it makes me want to cry all over again. One would hope the tears could stop, but how can they? Nazism is one of humanity's darkest hours. It is regrettable that it involved decent German citizens, but it did, and nothing can rehabilitate that period of history, at least until all of us who witnessed it are dead. But attempts will be made, and the uninformed will believe.

There is an easy solution for people like David Irving and his followers: laugh at them; just don't debate them. Ignore the Institute for Historical Review. If they believe the world is flat, chuckle with them. If they believe a library of 600 volumes makes a historian, laugh again. If they want a forum, don't dignify it with your presence. Grit your teeth and remember that free speech is a bless, albeit with dangers.

There is enough true evil in the world without allowing these deniers to continue their anti-semitic attacks. And don't be foolish enough to believe that this is not blatant anti-semitic garbage disguised as "history" written by skinheads in business suits.

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2. Reflections on the Visit of David Irving to Huntsville by Dr. Jack Ellis, Dean of the College of Liberal Arts, University of Alabama in Huntsville.

Those who try to erase the crimes of the past have no greater ally than the human capacity for denial. Nearly half a century after the close of World War II, the power of this impulse can be seen in the work of those who attack the reality of the holocaust and who seek to discredit the evidence for the Nazi campaign to exterminate Jews. The movement is only a symptom of what one historian has called a growing assault on truth and memory, and it feeds on the moral relativism that characterizes the age in which we live.

The controversy attending the 1993 visit of the British writer David Irving to Huntsville has brought the matter home to our own community. It has reminded us of the ease with which history can be obscured and distorted, and it has served as a warning for what can happen if we allow new generations of young people to forget the past.

In America the campaign with which Mr. Irving is associated has long been led by the Institute for Historical Review, a pseudo-scholarly enterprise that is held in contempt by every credible historian I know. Taking their cue from Paul Rassinier, anti-semitic and ex-member of the French Communist Party, and from Arthur Butz, an electrical engineer at Northwestern University and author of *The Hoax of the Twentieth Century*, its leaders have created a veritable industry from their assaults on the holocaust.

The strategy of these so-called revisionists has been twofold. First, they have tried to portray the Nazi regime as a legitimate response to historical conditions and as one whose wartime actions fell well within the range of traditional big-power behavior. Such arguments are of value if they can persuade others that what the Nazis did was morally no worse than, say, the Allied fire bombings of Tokyo and Dresden. The destruction of millions of people for no other reason than that they were Jews is thereby safely relegated to the trash heap of all wartime atrocities, to be submerged and trivialized in memory.

Second, the revisionists have sought with growing stridency to attack the evidence itself. For example, they have argued that the gas chambers of Auschwitz were used for fumigating and delousing prisoners rather than homicidal killings; that those who perished in the camps died of starvation, typhus, and allied bombing; and that many Jewish prisoners were actually spies and communists who deserved their fate.

What is the motive for this assault on reason? One explanation lies in the global warming of nationalism and neo-fascist ideas and in the efforts of their partisans to gain respectability. For them, the holocaust has long been an inconvenient fact of history. Cut away the anvil of genocide from around its neck, and fascism could soar once again.

Another is a new strain of anti-semitism that is being vented today in attacks on Israel, "Zionism," and the alleged dominance of Jews in Hollywood, finance, and the media. It can be seen in the many crude tracts published by the Institute for Historical Review, including one circulating in the Hunttsville area that belittles the Holocaust Memorial Museum in Washington, DC, as a "monstrosity" devoted to "non-American members of a minority, sectarian group." Its sole purpose, the author insists, is to promote "an agenda of unalloyed support for minority, Zionist ends."

Whatever the intent, the campaign cannot be motivated by lack of evidence. The physical disappearance of millions of men, women, and children in the camps and ghettos of eastern Europe has been documented in sad detail time and again, especially in Raul Hilberg's classic book *The Destruction of the European Jews*, published in 1961. The evidence is seen in the statements of Nazi leaders--for example, Himmler's speech to the SS at Poznan on October 4, 1943, where he spoke of "the moral right, the duty to our people," to exterminate the Jews. It is borne out by eyewitness accounts from people of every nationality, including Nazi camp guards, and by the narratives left by the victims. It cries out to us from the photographic and newsreel record made by the armies of liberation and in the admissions of the guilty during the war crimes trials that followed.

Worst of all, for the partisans of denial, is the great mass of evidence available from the records of the Nazi overlords themselves, who, good bureaucrats to the last, recorded their accomplishments in meticulous detail. One could cite the Wannsee Protocol of January 1942, which summarized the Reich's new Jewish policy in the east; the journals of Dr. Hans Frank, head of the General Government in Poland; or the records of the infamous SS killing squads in the east known as the Einsatzgruppen.

The deniers have found it possible to explain away this record. How this happened is described in a 1993 book by Deborah Lipstadt of Emory University entitled *Denying the Holocaust*. In it she describes David Irving as being among "the most dangerous" advocates for this group. Mr. Irving's career has indeed been remarkable, starting with publication of his book *The Destruction of Convoy PQ-17* which cost him the largest libel judgement ever granted in the history of the British courts. It was his multi-volume study of Hitler's wars, published in the 1970s that earned him the greatest notoriety, however. Among its many curious features was the claim that Hitler knew nothing of the

extermination camps and the implementation of the Final Solution.

Irving's distortions of the evidence were noted by many historians, both here and abroad. Martin Broszat, director of the Institute of Contemporary History in Munich, went so far as to characterize him as "a Hitler partisan wearing blinkers." Irving's drift into the camp of holocaust denial occurred later, however, during the 1980s court trials of Ernest Zundel, a neo-Nazi publisher of Toronto. Author of *The Hitler We Loved and Why*, Mr. Zundel was charged under an old paragraph of the criminal code that made it a felony to disseminate false information having the potential to cause public mischief. Mr. Irving served as a witness for the defense during the second Zundel trial, which ran from January to May 1988. The catalyst for his transformation appears to have been the "evidence" gathered by Fred A. Leuchter of Boston, a self-styled consultant on electric chairs and lethal injection devices. During the trial, Mr. Leuchter visited the Auschwitz site and reported that the design of the gas chambers, along with the minimal traces of Zyklon-B gas that remained, proved that they could not have been used for mass killings. That his findings could be taken seriously is just one indication of the contempt with which the partisans of denial regard the rules of evidence.

As the *New York Times* reported in October of 1993, the whole bogus controversy has been laid to rest by the work of Jean-Claude Pressac, who had access to previously unpublished SS documents seized by the Red Army in 1945 and recently made available from KGB archives. Using the correspondence of the Bauleitung SS unit with the engineering firm of J. A. Topf & Sohne of Erfurt, Pressac shows with the precision of "an account's audit" how Auschwitz was built and how it managed to carry out its mission of death.

As for Mr. Leuchter, it turned out that he had training in neither toxicology nor engineering; in fact, he was later slapped with a sentence of two years' probation in Massachusetts for passing himself off as an engineer. Nevertheless, the introduction to the London version of the Leuchter report, written by David Irving, cited the "scrupulous methods" that the author had used.

Several other facts emerge from Professor Lipstadt's book. In 1988, Mr. Irving described himself as "a one-man intifada" against the official history of the holocaust, and in July of 1992 he was quoted in *The Daily Telegraph* as saying that the gas chambers were "a propaganda exercise." Fined in a German court for propagating holocaust denials, he denounced "the blood lie of the holocaust" and characterized the memorial to the dead at Auschwitz as a "tourist attraction."

Why should these matters be of concern to citizens of Huntsville and other communities? Beyond our reverence for the truth, beyond our concern for the feelings of concentration camp survivors and their families--beyond our respect for the canons of evidence--there stands a greater danger. It is the damage that the school of holocaust

denial has already inflicted on a generation of students who know little of the past. A recent Roper poll, for example, shows that one of five Americans now doubt that the holocaust ever occurred. On such terrain, in an age of resurgent ethnicity and tribalism, of new acts of genocide in Cambodia and Bosnia, no effective teaching is possible that aims to encourage understanding and tolerance based on a common regard for historical truth.

If you know someone who may be interested in becoming a member of the Huntsville-Madison County Historical Society, please share this application for membership.

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