From Cotton to Missiles: Madison County Governmental Changes

James Record

Follow this and additional works at: https://louis.uah.edu/huntsville-historical-review

Part of the History of Art, Architecture, and Archaeology Commons, and the United States History Commons

Recommended Citation
Record, James (1974) "From Cotton to Missiles: Madison County Governmental Changes," Huntsville Historical Review: Vol. 4: No. 1, Article 4. Available at: https://louis.uah.edu/huntsville-historical-review/vol4/iss1/4

This Article is brought to you for free and open access by LOUIS. It has been accepted for inclusion in Huntsville Historical Review by an authorized editor of LOUIS.
FROM COTTON TO MISSILES:
MADISON COUNTY
GOVERNMENTAL CHANGES
By James Record

Prior to the creation of Madison County in 1808, King Cotton already played an influential role in the development of the Southern States. The King was destined to affect the growth of the county and its governmental processes. In 1811, The National Intelligencer, in Washington, D. C., gave the county national attention by carrying an article stating that Madison County had doubled the cotton production of any county its size in the United States. At that time there were 48,463 acres of land under private ownership with 696 families holding title. Twenty-nine percent of these families also owned slaves. This was in the year that Huntsville became the first incorporated city in what was to become Alabama, only seven years following settlement of the county. Cotton, therefore, was grown long before the first public official was appointed or the county officially created. The King had come a long way from the first successful cultivation in Pakistan 6,000 years ago, some 4,000 years before the first county government was formed.

Natives of the New World already knew about cotton and its beneficial effect to their mode of living. Explorers in the 1600's reported that the Indians were already growing cotton and making cotton clothing. On a local basis, Cherokee Indians certainly recognized the importance of cotton when they ceded their lands to the United States in 1806. As a part of their price, they required the government to give them
"a machine that cleans cotton." This was 3 years after Eli Whitney invented the cotton gin, and three years after Abram Mordecai established the first successful gin operation in Alabama near Coosada Bluffs. In 1810, twenty two cotton factories were operating within the Mississippi Territory, just twelve years after creation of the territory and appointment of its first officials. An 1814 report showed eighteen cotton gins operating in Madison County, only five years after the first homemade gin began production in the county. Today there are twenty gins.

Legislation concerning cotton was adopted in the Mississippi Territory shortly after laws passed setting up public offices. A law passed on October 5, 1799, related to the inspection of gins, cotton presses and cotton entered for transportation from the territory.

At the time Madison County was created on December 13, 1808, laws were already on the books establishing the county offices of Constable; Sheriff; Coroner; Justice of the Peace; Treasurer; Militia; Notary Public; Tax Assessor and Collector; Jailor and Court Clerks. A few days later the Territorial Governor appointed the first officials for the county. Stephen Neal was Sheriff, and Thomas Freeman, Justice of the Peace. Further appointments followed, but not as rapidly as the Governor wished. Correspondence shows he depended on advice of friends. Appointments in 1809 included William Winston, County Court Clerk; Peter Perkins, Circuit (Superior) Court Clerk; Nicholas Perkins as Lieutenant Colonel Commandant of the Militia; and the County Governing Body known as Justices of the Peace and Quorum, consisting of William Dickson, Edward Ward, Peter Perkins, LeRoy Pope and Thomas Bibb.

In 1810, appointments included Gabriel Moore, Tax Assessor and Collector; John Hunt, Huntsville's first settler, Coroner; and David Cobb, Constable. Bennett Wood became Treasurer. John B. Haynes received an appointment as Jailor, serving until 1814. By 1811, then, all offices provided for by the Sergeants Code of 1799 had been filled in Madison
County, with one possible exception. It is known that Peter Perkins was appointed as a Notary Public in 1813, but no record for a Notary appointment prior to that time is known for sure.

In the interim period, legislation passed in 1809 providing for an Attorney General and Superior Court Judge for Madison County. Louis Winston was appointed Attorney General in 1809, and Obadiah Jones became Judge in 1810. Legislation in 1812 provided for a County Ranger, William W. Parham. The office of Ranger (sometimes referred to as Straymaster) was abolished in 1819, and the County Court Clerk assumed the functions. Also receiving appointments by virtue of 1805 legislation were John Martin, Road Apportioner, and David Cobb and Joel Rice, as Overseers of the Poor. Madison County acquired its first poorhouse in 1829 and appointed John Power as superintendent. Doctors Thomas Fearn and Alexander Erskine were appointed as physicians for the facility. A poorhouse was continued here until 1935, when its functions were assumed by the Welfare Department. A bill in 1811 set up the Sheriff and County Court Clerk as a Jury Commission, but this system changed over the years, designating different officials, until 1909, when the present day Jury Commission was established, comprised of A. J. Esslinger, Charles L. Toney and George C. Blanton. The office of County Surveyor was also established in 1811 with Hugh McVay appointed. This office was discontinued in 1935. Two new offices were created in 1816, when John Martin became Keeper of Weights and Measures, and Thomas Austin was appointed Inspector of Flour at Ditto's Landing. Both offices were also later discontinued.

Formation of the infant State of Alabama in 1819, surprisingly, found relatively few changes made in the county government during the first year of statehood. The Superior Court Judge and Clerk became the Circuit Court Judge and Clerk, with Clement Comer Clay and Lemuel Mead assuming those offices, respectively. A Solicitor replaced the District Attorney, Joseph Fastland receiving the new title. In-
cidentally, the Solicitor name was changed to District Attorney by a Constitutional Amendment of 1965. The County Governing Body was renamed Justices of the County Court in 1819, the first members being David Moore, LeRoy Pope, Charles Betts, John Withers and John M. Taylor. Pope was appointed Chief of the Orphans Court. A completely new office created in 1819 was titled County Auctioneer, with Andrew Veitch receiving the appointment. This office was discontinued in 1852. A major change in 1819 saw the county receiving appointment powers, including appointment of the Assessor and Collector; Surveyor; Treasurer and Auctioneer. They were designated to recommend a Coroner and Notaries Public to the Governor.

In the field of education, legislation in 1819 designated three school agents to be school trustees, while legislation of 1837 authorized the county to appoint three School Commissioners. It was not until 1854, however, that Madison County got its first Board of Education, consisting of two elected Commissioners and the Probate Judge. The County's first Board consisted of Charles H. Patton, William Wright, and Probate Judge Ferdinand Hammond. The first Superintendent of Education was William McVay, elected in 1856. In 1879, the system was changed to provide that the Superintendent of Education and two teachers constitute the Board. Legislation in 1903 provided that the Board consist of the Superintendent and four Trustees. The present form consisting of five elected members basically came into being with legislation enacted in 1915.

The 1820 law divided the county into road districts and the law, in essence, still exists. Although the 1820 County Governing Body appointed Apportioners to "apportion" lands, and Overseers to get the work done, the county today appoints a foreman for each road district. The Overseer system went out of existence in 1936. The early days found frequent reference to macadam roads, a process that was invented in England in 1816. Seven years later, in 1823, the first macadam road was laid in Madison County. They are still built here today, but are now called "crushed rock" roads.
An 1821 law brought the word "County Commissioner" into the Madison County government picture. Four Commissioners of Roads and Revenue, along with a County Court Judge, were designated as the County Governing Body, with the Commissioners having a one year term, changed to three years, by an 1827 law. The first Commissioners were Gross Scruggs, James Manning, Charles Betts and Samuel Walker. Samuel Chapman was County Court Judge. The body later became known as the Commissioners Court in 1850, with the Probate Judge serving as Chairman until 1919. This system was replaced in 1919 by a three-member Board of Revenue. Legislation of 1921 established the Madison County Board of Commissioners, whose name was changed in 1970 to the Madison County Commission. In the 1890's the members of the governing body, not including the Probate Judge, ran county-wide and for staggered terms, but 1921 legislation provided that they run only in their geographic districts for four-year terms, except the Chairman who was to run county-wide. Legislation in 1969, which went into effect in 1970, again required that the Commissioners run county-wide and live within a geographic district.

Until 1830, judges held office during good behavior, but that year a constitutional amendment placed their term at six years. An 1850 amendment made all judges elective, except Chancellors, which office was created in 1839. He appointed the county's first Register in Chancery, Septimus D. Cabiness. The Chancery Court was abolished in 1917, with the Circuit Court assuming the Chancellor's functions, and a new office, Register of the Circuit Court, was established, with Fannie Shepherd Cabiness the first Register.

The year 1848 brought about the first attempt at property tax equalization, a controversy which still rages today. The Tax Assessor and County Governing Body acted as a Board of Equalization, although legislation of 1868 placed the responsibility on the Probate Judge, County Commissioners, and Treasurer, or any three of them. The County Governing Body later assumed part of the function, acting as a Board of
Review, later aided by a Tax Commissioner and Tax Adjuster. The County's first Tax Commissioner, Henry P. Turner, assumed office in 1897. In 1909, a three-member Board of Equalization, similar to the 1970 system, was appointed. The first members of the 1909 Board were J. P. Powell, E. W. Burwell and R. S. McCrary.

An act during 1848 made the Tax Collector elective for a one-year term. This changed to two years in 1851; three years in 1868; four years in 1903; and six years in 1943. The office of Tax Assessor was made elective for a one-year term in 1854; being changed to two years in 1860; three years in 1868; four years in 1903; and six years in 1943. The office of County Treasurer was made elective in 1852 and was abolished in 1917, to be succeeded by a County Depository, the system still in use today. The first depository was R. Rison Banking Company.

A constitutional amendment of 1850 created the office of Probate Judge, abolishing the office of County Court Judge. The office was changed to a salary system by another amendment of 1957. This set a trend for Madison County offices, with the offices of Tax Assessor and Tax Collector being placed on the salary system in 1965, and those of Sheriff, Register, and Circuit Court Clerk being so placed by 1969 legislation. The office of Coroner had previously been placed on a salary system in 1951.

Registration of voters on a coordinated basis was first begun in Alabama during 1868 by the Union Army. Legislation that year provided for an Assistant Registrar in each county, with Madison County's first being D. W. Burke. The present Board of Registrars system replaced the earlier system in 1901. The first members appointed in 1901 were John M. Hampton, James M. Massengale and Robert D. Eckberger. Legislation in 1975 has permitted registration on a full-time basis.

Following the Civil War, very little consequential legislation affecting the formation and development of Madison County government was passed until shortly after the be-
ginning of the 19th century - a period of nearly fifty years. The County had appointed its first County Health Board in 1859, but it was 1873 before the first County Health Officer, Dr. J. J. Dement, was selected. The first board consisted of Doctors Fleming Jordan, J. J. Dement, Lewis C. Pynchon, A. R. Erskine, A. R. Bassett, Henry A. Binford and D. Shelby. The board was frequently advised by the County's first County Attorney, James Robinson, appointed in 1867.

Four new county offices were created in 1907. J. M. Kirkpatrick became the Game and Fish Warden, while Frank C. Love was appointed Supervisor of Public Roads, under a new law. The Superintendent of Public Roads was succeeded by a County Engineer in 1929, with the office becoming full-time in 1930. A. J. Earl received the 1930 appointment. Also in 1907, Tancred Betts became the first Judge of the Law and Equity Court. The office was abolished in 1916, with Circuit Court assuming the function. The county, also in 1907, got its first liquor store as saloons went out the window. David D. Overton was appointed Dispenser. The State went bone dry in 1909, and that is the last time the County Governing Body has been in the liquor business.

The office of Court Stenographer was established during 1915, with Lily Hinds appointed. The office was succeeded by a Court Reporter, E. P. Kingsberry, in 1919. During 1911 - the same year Alabamians got their first auto license - the office of Treasurer of School Funds was created, with Robert Murphree getting the nod. The year 1911 was important, too, inasmuch as the Inferior Court was established, replacing the Huntsville Justices of the Peace, signalling the beginning of the end for Justices of the Peace in Madison County. Practically no Justices nor Constables have been elected in the county during the last decade and a constitutional amendment has now abolished the Justice position. To head the Inferior Court, Archibald McDonnell was chosen as the first Judge. The office was abolished in 1957 and its function absorbed by a new Madison County Court. James W. Baker became Judge of the new Court. The County Court has now
been supplanted by a General Sessions Court with two Judges. Back in 1912, Madison County got its first County Agent, with R. S. McCravy and Clarendon Davis sharing the honors jointly. Louise Thomas became the first Home Demonstration Agent in 1916.

Between 1920 and 1940 relatively few changes occurred in Madison County offices, although the state government had very significant changes in the 1930's. Legislation provided, for the first time, uniform accounting procedures and budgeting for county governments; authorized counties to acquire water systems, establish Public Welfare Boards, and T. B. sanitoriums. Madison County established its Public Welfare Board in 1935, with members being Mmes. C. T. Butler, Lawrence Goldsmith, Aaron Fleming, Thompson Kelly, Eva Quick, Harry Williamson and Phil Peeler. Mrs. Kimball Jones served as the first director of the department, although, in 1924, Mrs. Bess Williams had been appointed as a Child Welfare Director, which office was abolished in 1935. In 1939, a County Barber Board, consisting of Earl Wilson, Clarence H. Carroll, and W. C. Freeman, was appointed. Also in 1939, a constitutional amendment approved use of voting machines, with Charles M. Cason and H. E. Monroe, Sr., appointed Custodians of Voting Machines. In 1935, J. M. Robinson became the county's first License Inspector, appointed by the state, but in 1971, the County Governing Body was given the authority. In 1939, the county took over operation of the Farmers Market from the city, with Mrs. Lillie Maude Alexander acting chairman of the market committee. The county found it advisable to appoint a Gasoline Tax Inspector, Howard Caldwell, in 1936. The office was discontinued from 1947 to 1949 but was then re-established.

During the 1940's, Madison County again had few new offices formed, even though the coming of the Arsenals in 1941 rapidly accelerated the growth of the area. Three new offices were established, with Frank Rice becoming County Veterans Service Officer in 1945; J. E. Spencer Building Superintendent in 1948; and Dr. Carl A. Grote, Sr., and
Archie W. Hill, Sr., receiving appointment as Trustees of District 1 T. B. Sanitorium, in 1946. An act of significance to the Alabama Historical Association passed in 1943, authorizing counties to appropriate money for historical purposes. Madison County appropriately used the act to begin what has amounted to the first continuing historical marker program co-sponsored by a county in Alabama.

Significant additions to county government appeared in the 1950's shortly after the German Scientist Rocket Team moved to Madison County, from Fort Bliss, Texas, bringing another astronomical growth to the region. In spite of this, however, poverty still existed in the county and a Commodity Surplus program was begun in 1954, with appointment of John Tuck as Supervisor, to give free foodstuffs to the underprivileged of the county. This system was replaced later by a good stamp program. A 1955 action, also of intense interest to historians, was the embarkment of Madison County upon a program of microfilming of county records, dating back to 1811, along with an intensive restoration program for all old books. E. C. Sandlin was appointed Records Custodian to handle centralized microfilming and reproduction of records. At the same time a local Records Commission was organized to oversee proper handling of records. The year also saw creation of the Madison County Public Building Authority, with C. Butler England, H. E. Monroe, Sr., and Oscar Mason being appointed. A second circuit judgeship was also created with Harry L. Pennington becoming Judge. Madison County in 1927 had been constituted as the 23rd Judicial Circuit of the State of Alabama. The big event of 1956 for county government was creation of an Airport Authority, with J. Edgar Mitchell, Louis Grabensteder, Robert H. Baker, James R. Smith and Robert K. Bell, being appointed. John Alford was appointed Airport Manager.

The 1960's brought about the most significant increase in county offices since the county's formation in 1808. Even so, it can be noted that the Madison County governing body has not asked for a new tax and abolished another in the last fifteen years.
The Madison County Courthouse, 1836
years. More business and more building, plus - we like to say - efficient operation of governmental has made this possible. In 1963, another circuit court was created, called the Family Court, to handle marital and juvenile cases, previously handled by the County Court, and prior to that, the Probate Judge. J. W. Green was elected to the judgeship. A new Juvenile Detention Home was jointly built by the county and city, and Melvin Brooks was appointed as the first Superintendent in 1963. The same year Mrs. Ellen Batt became the first County Law Librarian. In 1965, another circuit court was created with Thomas Younger becoming the Judge. In that year, the county appointed its first Water and Fire Protection Authority. Appointed were George McCown, Charles Hughes, Gerry Smith, Warren Moore, Charles Cherches and Joe Worley. Robert L. Gunn was added that year as the county’s Inter-governmental Relations Director, with the main objective of obtaining federal and state monies for the county and to coordinate activities with other governments. Construction of the new Madison County Courthouse in 1966 necessitated another new office, that of Equipment Supervisor to look after some one million dollars worth of machinery. Vern Jones got this job.

Urbanization of services began to show more and more in county government in the 1960's so far as Madison County was concerned. The county in 1962 began the first full-fledged county-wide garbage collection system in the United States. Earl Troglen is presently in charge of the program. Also, in 1965, the county began the first county-wide rural street and community lighting program in Alabama, and in 1964, began the first true county-wide recreation program in Alabama. A Recreation Board was appointed, consisting of Oscar Mason, Sam C. Broyles, Roy E. Blair, Gordon M. Mitchell and Erskine Payne. A Mental Health Board was established in 1967, the county appointees being Ralph Ford, Guy J. Reynolds, Darrell Norrell, Albert Mann, and John Hays. Another significant development of 1967 was acquisition by the county of about 800 acres earmarked for an industrial
district, with the Huntsville Industrial Expansion Committee designated as the agent for the county to sell the land to industry.

A Personnel Board was created in Madison County setting up a merit system. The Board, consisting of R. D. Haynes, William E. Harrison, and Oscar F. Underwood, Jr., was appointed in 1969. Elaine Osborne was appointed Personnel Director.

There have been, and are, other offices in Madison County government, but space has not permitted inclusion of all. There have been many changes in Madison County government since 1808 and the same can be said of cotton. Many changes yet lie ahead for both.

*NOTE: Practically all of the information I have used came from my book, *A Dream Come True*. 