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THE HUNTSVILLE HISTORICAL REVIEW

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EDITOR
ELBERT L. WATSON

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HUNTSVILLE, ALABAMA

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JAMES GILLESPIE BIRNEY: THE HUNTSVILLE YEARS

By Elise Stephens

From its beginnings, Huntsville has been blessed with an extra-ordinary group of citizens who settled here and permanently wedded their talents and destinies to the little town with the Big Spring. Huntsville has also been home but not permanent residence for some of its outstanding citizens. In this century Dr. Werner von Braun is an outstanding example. In the last century, James Gillespie Birney stands out. Both men came to Madison County, immediately set down roots and got busy -- contributing their brains, leadership and faith in individual effort to achieve goals as difficult of accomplishment as putting a man on the moon or irradicating inequality among men -- and then moved on. Both men gave to Huntsville and grew in the exchange.

James G. Birney called Madison County home from 1818 to the close of 1832. Upon leaving Alabama his career carried him into national prominence as a leader of the growing anti-slavery movement. Unlike William Lloyd Garrison to whom he was often compared, Birney put his trust in the political process to effectuate the emancipation of the slaves rather than in rhetoric and revolution. Twice, in 1840 and 1844, he was the nominee of the Liberty Party for the Presidency of the United States. He died in November of 1857.

The son of James and Martha Read Birney, James G. was the heir to a Scotch-Irish ancestry that united to give him wealth, social position, and a strong sense of noblesse oblige. Both sides of his family had settled in Danville, Kentucky, where Birney was born on February 4, 1792. Having been educated privately, at Transylvania and at the College of New Jersey, (Princeton) where he graduated with honors in 1810, he read law under Alexander J. Dallas, noted lawyer and United States Attorney of Philadelphia. In 1814 he was back in Danville establishing a busy practice.¹

In 1818, the first time he was of age to qualify, he was elected to the Kentucky House of Representatives. Another major event occurred to him in 1818 that was to brighten his future considerably; on February first, he was married to Agatha McDowell, the daughter of the United States District Judge, William McDowell and Margaret Madison McDowell, the first cousin of President James Madison.²

As was the spirit of the times, the young couple chose to throw themselves into the life of a newer community and in February, 1818, exchanged their Kentucky ties for the newly organized territory of Alabama. Birney purchased a plantation near Triana and endeavored to live as a gentleman-lawyer, planter-politician, as did such contemporaries as Arthur F. Hopkins and Clement Comer Clay.

Those were exciting times for Huntsville. Birney was more drawn to the happenings of the young town than to the management of a cotton plantation. The state had gained territorial status in 1817 and statehood was in the air. In anticipation of statehood, the citizens of Madison County had voted on two slates of candidates: one for a seat at the Constitutional Convention and one for membership in the state's first General Assembly. Birney was not a candidate for the former and won a seat in the latter. Unlike the convention

that met in the hot summer of 1787 in Philadelphia to write the United States Constitution, the convention held in Huntsville was apparently an open one. Non-member Birney's influence was certainly felt on the final design of the state's first constitution.³

The enthusiasm with which Birney entered into the total life of the community was increasingly matched by a seriousness that grew as he matured. Being the only son of a father who was widowed when James G. was only three and his only sister an infant, he grew up in luxury but never to the neglect of moderation and self-respect. Apparently the life of a planter involved too much self-indulgence or required more self-discipline than he possessed. Marriage and inheritance had brought him slaves, but he failed in the thorough management such ownership required. Like so many Kentuckians, he followed horse racing. Huntsville's Green Bottom Inn, one of Andrew Jackson's favorite tracks, afforded Birney ample opportunity to bet on the horses. Gambling losses brought financial embarrassment, and Birney mortgaged his plantation and his slaves.⁴ Assessing his situation, Birney decided to move his family to Huntsville, to practice law diligently, to pay off the mortgages quickly and never to gamble again. All of these he did. January, 1823 marked a new year and a new life in Huntsville for the Birneys.

His expanding family undoubtedly had much to do with these decisions. In all, he had ten children; seven of them reaching adulthood. While in Huntsville, he was the busy father of five: James, born in Danville on June 7, 1817; William, born in Madison County, May 28, 1819; David Bell, born in Huntsville, May 29, 1825; Dion and George.⁵ In James G. Birney And His Times, a biography written by son William, Birney is depicted as an uncommonly loving husband and father.

In early manhood he spent much of his time with his children. He joined them in their boyish sports, taught them many games...and entered heartily into their glee. He showed them how to ride and to row, to make bows and arrows, snares and traps, to handle the shot-gun, and to hunt game. A broad veranda in the rear of his dwelling was used for play in rainy weather, being furnished with swings and trapezes, battledores and shuttlecocks. He was fond of music and played the flute. In every innocent way, home was made attractive to the children.⁶

The subsequent careers of the Birney boys attest that something was done right in their upbringing. James became a professor, lawyer, Michigan state senator, lieutenant-governor, acting-governor, circuit judge, editor and United States Minister to the Hague. William became a lawyer, scholar, teacher and news correspondent in France where he served as a student barricade-commander during the 1848 revolt in Paris, anti-slavery lecturer, religious writer, author and father of ten excellent children. Dion became a physician. David Bell became a lawyer and publisher. George died in early manhood. The Civil War made heroes of them all, generals of two. In their youth they had attended Huntsville's famous Green Academy and shared that training which was to mold a generation of sons for leadership and sacrifice.

Birney had been a trustee for Green Academy since settling in Alabama. When he moved his residence to Huntsville in 1823, his involvement grew. As early as 1819 he announced a bill in the Alabama Legislature of incorporation of the Huntsville Library. In 1823 the library received its charter with Birney listed as one of it's members.⁷ His fellow members of the bar helped Birney get his finances in order. They endorsed his election by the Alabama General Assembly as the solicitor for the Fifth Circuit.⁸ By the end of 1823, Birney was able to straighten out his debts, divesting himself of his plantation and all but five house servants.

Instead of relaxing his prohibition against gambling, Birney invested his increasing wealth in "a valuable half-acre corner lot in Huntsville, two squares from the head of the Big Spring." There he built a home that he enlarged as his family grew until it was considered "one of the handsomest and most convenient dwellings in Huntsville." Its China trees and sculptured gardens were the pride of both Birneys who loved to entertain and did so with grace and generosity. Life for them was secure and serene.⁹

But forces were at work to shake any complacency Birney might have achieved. His sense of obligation to follow his conscience, take a stand on issues and to speak out was already a tested trait. In 1819 he had voted against a resolution passed by the Alabama State Assembly endorsing Andrew Jackson for President.¹⁰ He did this even though he knew it was tantamount to resigning from political contention in the state. In 1826 he made a public profession of his religious faith and openly acknowledged that he would follow where its truths led.¹¹ When he later became mayor of Huntsville, he enforced what was probably the city's first "Blue" law.¹² A leader of the Bible Society, he was also a founder of the Huntsville Temperance Society.¹³

As his asceticism grew, so too did his awareness of man's inhumanity to man. From 1826 until he left Alabama, he served as attorney or "legal protector" of the Cherokee nation. William Birney describes his father's unheralded and little known activities for the Cherokees.

He caused missionaries to be sent and schools to be established among them; he encouraged them to cultivate farms, build houses, and open roads; he aided an educated Indian, who had invented an alphabet for the language, to start a Cherokee paper; [Sequoyah] he defended them in their property rights, and brought to punishment some of the authors of the outrages upon their persons; he counseled them to peace and good

behavior; and most surprising of all, he succeeded in introducing, quietly and without opposition, several Indian girls as pupils into the Huntsville Female Seminary. It was said they were daughters of chiefs. They attended the Presbyterian Church, and were reputed to be wards of Mr. Birney. Two of them I remember as beautiful. The Indians visited Huntsville from time to time for the sale of pelts, nuts, blow-guns, bows and arrows, and game, and they never failed to pass by my father's house, and leave for him some token of their gratitude.¹⁴

From 1826 dates his heightened consciousness of the evils of slavery and the necessity for him to do something about it. He became the spokesman, then Southern Agent, for the American Colonization Society, urging owners and state legislatures to manumit the slaves and provide for their resettlement in Africa. By the time he left Huntsville, to move to Kentucky, Birney had realized the impossibility of colonization. He spent the rest of his life seeking peaceful, legal emancipation. In pursuit of this goal his path took him from the city which honored him though it disagreed with him.

¹⁴William Birney, James G. Birney and His Times (1890, reprint, New York: Greenwood Publishing Corp. 1960) 30; Betty Fladeland, James Gillespie Birney: Slaveholder to Abolitionist (New York: Cornell University Press, 1955, reprint, New York: Greenwood Press, 1969) 15. The only full-length biographies of Birney, the latter builds on the former and provides bibliographic guides for future research.

²William Birney, Letter on the McDowell Family of William Birney, Brevet Major General, U. S. Vols. (privately published, a copy given to the Huntsville Public Library by Huntsvillian, Hoffman (Topper) Birney, the great great-grandson of James G. Birney.

³Birney, James G. Birney, 38.

⁴Ibid., 41-43; Fladeland, Birney, 23.

⁵Clarence L. Barnhart, ed., New Century Cyclopedia of Names, Vol. 1 (New York: Appleton-Century-Crofts, Inc. 1954) 513; Birney, James G. Birney, 53; Fladeland, Birney, 28, 43, 63, 71, 135, 165. On 71 the author says that Mrs. Birney, "with the five boys, James, Jr., William, Dion, David, and the year-and-a-half-old baby, George, set out for Danville" in September, 1833. "She was leaving behind in Alabama three small graves in the cemetery." On 165 we find, "by the time she (Mrs. Birney) was thirty-nine she had borne eleven children, six of whom were living." Nowhere does the author or any other source readily available give names or dates for these children. Five year old Arthur Hopkins Birney and three year old Martha were struck down by scarlet fever in 1833. Florence was born in January, 1835, an infant daughter, name ungiven, lived only two months in 1836. It was in 1838 that Mrs. Birney lost her baby, Ellen, in August and her own life in October.

⁶Birney, James G. Birney, 357.

⁷Ibid., 53.

⁸Fladeland, Birney, 26.

⁹Birney, James G. Birney, 47.

¹⁰Ibid., 41.

¹¹Ibid., 54; Fladeland, Birney, 30-31.

¹²Southern Advocate, Huntsville, Alabama, July 17, 18-29, "An Ordinance to Prevent Violations of the Sabbath, and for Other Purposes." This ordinance and Birney's efforts

to "clean up" Huntsville led to a newspaper squabble between The Advocate and the Democrat. Birney responded to the criticism of the Democrat by calling for a referendum vote of the citizens. Since the mayor was selected by the aldermen from among the aldermen, taking the question of Birney's continued tenure to the people was a step forward for democracy, and the public's sanction strengthened Birney's position as mayor.

¹³The Democrat. Huntsville, Alabama, August 21, 1829, October 2, 1829.

¹⁴Birney, James G. Birney. 55-56.

A TRIBUTE TO

A CONFEDERATE SOLDIER

By Tommie Bragg Ward

Some one has said: - "One glorious hour of crowded life is worth an age, without a name." This to us is an hour crowded with emotions, to which the tongue of eloquence could give no adequate utterance, and which will transmit to future ages, a record of deeds that will render the name Confederate Soldier immortal.

We are filled with gratitude, for the assurance it brings; that the Confederate cause is not a last cause, that the Confederate Soldier will not be forgotten, that his marvelous deeds in arms will live in song and story; marble and granite are emblems of his constancy and endurance, which will perpetuate his name and tell to generations yet unborn-the story of his life.

The Confederate Soldier with patriotic devotion espoused his country's cause, and his heart has never by a pause as slight as one pulsation ceased to beat with constancy for the principle for which he stood amid the flame of battle, which imperiled his fortune and life-and if as said, without a successor he is destined to live only in history. His history will mark a glorious period and transmit to the latest posterity unimitated deeds of valor and devotion, as he upheld the right of self government, the principle that has sanctified the graves of martyr's in all ages of the world.

Call the roll of all who imperiled life and all that life holds dear in the cause of the Confederacy.

From time immemorial the world has had its heroes, heroes of war and heroes of peace. But the heroes of war give us a theme ever full of interest. Macedonia, boasted of her brave son, Alexander the Great; Rome Caesar; France had her Napoleon, who mounted the most dazzling heights of military power and glory.

To the Thirteen Colonies of America belong the name of Washington; but greater still than all of these, the South had her heroes.

Lee, Jackson, Johnston, Gordon, Davis, Forrest, Stuart, Bragg, Wheeler, Hill, and on down the line, Gurley, Hamrick and many others, whose names are enshrined with deathless pride in every true Southern heart.

Gurley, long may he live, for there is no Gurley to take his place. He was in many of the hard fought battles of that, the most bloody and terrific war ever waged on this continent. He fought side by side with men, as brave as ever fought in Caesar's ten legions, or Napoleon's guard. Four years he spent in camp and in battle. His personal bravery was without limit, he was masterful, resolute and self reliant in the most perilous emergency. He was comprehensive in his grasp of every situation, supremely confident in his men. But going through the war and all its trials and sorrows only made him great, for he has labored both night and day for the future development of the South.

The most charitable man that ever lived in this country, he has been kind to all, has fed the hungry, clothed the naked, and buried the dead. No man ever did more for the poor, and not until the book of life is opened at the judgement, can all his great services be revealed, the only compensation that he wants in this life is the warm shake of the hand and the gleam of gratitude flashing from the eyes of these grand old veterans, who have borne all hardship and faced every danger in defense of their country.

It requires an able daring leader to call forth from the men a passionate devotion-to mould the multitude of thoughts of a great army into one mass of martial zeal. Without a leader an army is a mob, a powerless machine, but on the other hand what could a leader accomplish without an army!

We would not in the least degree, depreciate the sterling worth of those mighty Chieftans, the South's leaders; but we do maintain, that our truest heroes, those who presented to the world the sublimest deeds of valor and devotion ever witnessed, were the men behind the guns.

The private Confederate in his home spun jacket of gray, the men who stood in the ranks, and for long years with heroic courage beat back from their homes and fire-sides the ranks of ruthless and overwhelming invaders, was the "bone and sinew" of the Confederacy and only God's recording angel has preserved their muster roll, and it will be called in a better and purer world than this, where rewards are bestowed for honors deserved, and duty faithfully performed. Moses lived forty years at Pharaoh's court, applying himself in all the learning of the Egyptians. He spent forty years in the land of Midian, in preparation for the work appointed by God for him to do. Moses for forty years led the children of Israel through the wilderness, surrounded at all times with trials and difficulties unsurmountable by any human effort.

He was directed by a cloud by day and a pillar of fire by night. This was assurance of God's guidance and protection, and yet Moses, the friend of God holding converse and communion with the Almighty as no other man has ever done with his matchless faith and consecration, was only permitted to see the promised land from Pisgah's distant height. It was the same with the Confederate Soldier, he viewed the capital, but never entered, but he faithfully and conscientiously, as he saw the right, discharged the duties and obligations the situ-

ation enjoined. Although like Moses, he spent the best years of his life, devoted to his country's service he can with the eye of faith, penetrate the veil, that hides the future from our sight, and rest his cause before that August tribunal whose judgement never errs.

To our minds Appomattox meant the death knell of constitutional liberty on earth. In the light of events, the sufferings we as a people underwent, were but trials to prepare for the glory of our future descendants.

History furnishes no other example of a government crowding into four short years of its existence, the record of glorious deeds that has rendered the name Confederate States immortal.

There is in the annals of the past, no record of another people in a life time of a generation emerging from the destitution and suffering to which we were reduced, occupying the position to which we are now advanced in the councils of states, in material prosperity, and in the estimation of mankind. His devotion to duty and steadfast adherence to the principles implanted in his nature, and interwoven in his very life and being are best illustrated in this statement-To the honor of the Confederate Soldier.

The North held 220,000 Confederate prisoners and twelve per cent or 26,400 died in loathsome prison pens.

On the walls over the entrance to these prison pens, might well have been written by the Federal government, the inscription such as is said to be written over the portal gates of Hell, "He who enters here leaves hope behind."

They were offered liberty if they would swear allegiance to the Federal government. It is safe to say that not one in a thousand exchanged prison life, with its horrors for freedom at the price of renouncing allegiance to his country's cause.

In this one act of devotion, to which the world furnishes no parallel, the private Confederate Soldier sat for portrait to immortality. Again I say the Confederate

cause is not a lost cause and that the Confederate Soldier will never be forgotten, however, he may have felt in the past that he was neglected and the cause he espoused sacrificed on the altar of selfishness. But he now knows in this changing public sentiment, that the world is fast recognizing man's rights to this most noble blessing and this change means that, "When the drums sad roll shall beat the Confederate Soldiers last tattoo on earth, not honor alone, but a solitary Sentinel, with silent tread, will guard his last resting place."

The Confederate Soldier clung to the Declaration of Independence, which declares that government exists, for the protection of "Life Liberty and Happiness," believed in a strict construction of the Constitution and in the preservation of State rights. So when State rights were set aside, he was ready to strike for our homes and firesides and pour out his blood and if need be to die upon the altar of his country.

You left your happy Southern homes, and rushed to the fray where honor called and through four years of war, fought with such bravery, endured such hardships and won such brilliant victories on the battlefield that you deserved and won the name of the grandest heroes the world has ever known. "The wonder of the Ages."

It was the private soldier who trudged weary and foot sore over rocky and frozen roads on tiresome marches, who so fearlessly breasted the shot and shell of strong forces of the enemy.

It was the private soldier who shivered within the chilly walls of Northern prisons, half clothed and scantily fed. I have often heard Uncle Tom Bailes speak of the way they were treated and especially fed. But they chose to die there rather than purchase freedom at the price of honor.

Some one has said, to charge the batteries of the enemy requires great personal bravery. But it seems to me for one's life to be wafted to the skies upon the white

smoke of battle, amid the roar of musketry and the thunder of the artillery is almost God like, but it does not exceed the sublime heroism of the soldier, who suffered for duty's sake in the loathsome prison, who in dejection and despair, in neglect and unspeakable suffering, refused to surrender his convictions of right and forsake the flag of his country.

The North realized the devotion of the Confederate privates-General Grant himself said: "If we recruit the Southern Army by the exchange of prisoners, we shall have to fight on until the whole South is exterminated."¹³

The name of the Confederate Soldier had become known the world over for bravery, but at last, in the weakened condition of the South, it had to succumb, not to valor, but to overwhelming numbers.

She surrendered less than 100,000 ragged half starved veterans, to more than 1,000,000 Northern troops, 80 percent of which were foreigners. The cannon's mouth was stopped, the life of the Confederacy was dead, but no nation ever rose so white and fair, none ever fell so pure and free of crime with not a black spot to mar her glory. You turned with horror from those battlefields drenched with the blood of your comrades, and heart broken, with battle scars and empty sleeves you started homeward, there to find problems ever more difficult to face.

You left in '61 a garden of flowers and sunshine, and the vineclad hills of our sunny South were clothed in wealth and luxury. You returned in '65 to find nothing more than a wilderness of waste and desolation.

The whole political, social, and industrial fabric of the South lay in ruins. But you built up your shattered fortunes and defeated the attempt to fasten upon you political disgrace and shame. But in these years you have gained victories equal in renown to any gained on the battlefield, thus proving yourselves heroes of peace as well as of war. But in this you were not left alone, you

were cheered and comforted by the noble Southern women. To the Confederate mothers is due the present prosperity of the South, and to them do we owe much that we have today. The South was blessed with pure and gentle women before the war, but the war brought out their strength and nobility. What they learned in that terrible tragic school, prepared them to train the veterans and their sons and daughters to the eternal benefit of both.

These glorious women were taught by the hard schools of war to do many disagreeable duties, which enabled them to be true helpmates to the impoverished men of the South. They learned the heroic lesson of fortitude, which caused them to cheer, to sustain, to encourage the men of the South in that terrible struggle to rebuild their desolate homes and restore their ruined fortunes. They learned to think and to act, which they then did by the side of men, and by such help, did the men of the South build the splendid prosperity which now blesses our Southland. The same qualities which enable them to sustain their husbands and brothers, made them teach and rear a generation of men and women the stern realities of poverty, and to bring them up as the strong men and women who are today the pride of the South and admiration of the world, and who have carried on the splendid work begun by their fathers and mothers.

To these women is due the credit of educating the generation, which has given the South its present prosperity and happiness. Just call to mind the long list of women by whose privations, hardships and suffering the cause of the Confederacy was sanctified and made holy, and tell if you can if a just and righteous God will permit such suffering in the cause of right, baptized in the blood of the brave and hallowed by the prayers of the pure. The innocent and the good to go for naught and return to him void. I do not believe it.

But my friends the Confederate Soldier is fast passing

away. His locks are not raven now on his smooth unfurrowed brow, nor is the stream of his rich young blood coursing through his veins in the deep full tide of youthful pride. His fallen cheeks, his trembling hands and tottering knees, that scarce sustain his wasted body, are the certificates of discharge soon to relieve him of further service here. It devolves on you sons and daughters of the Confederacy and those who are to come after you to cherish his memory to preserve and keep alive the record of his glorious deeds. Let this sacred obligation sink deep into your hearts and tell the story of the Confederacy into the listening ears of your children, until it becomes part of their nature to love, cherish, and defend the principles for which your fathers fought, bled, and died. Do not slight them for they are sacred-guard, shield, protect and defend them from misrepresentation and abuse, no matter whence it comes, and your children and your children's children in successive generations looking back from the far distant future will proudly exclaim "I am the descendent of a Confederate Soldier."

Dedicated to the 4th, Alabama Cavalry

A SLAVE EMANCIPATION ACT IN EARLY NORTH ALABAMA

By Henry Marks

Anti-slavery sentiment was evident in the Tennessee Valley in the early days of statehood. James Birney of Huntsville was the most prominent resident of the valley, but there were others, of course, who desired the emancipation of slaves.

The slave code of Alabama was actually developed while the state was part of the Mississippi Territory.¹ An act respecting slaves was passed by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly on March 6, 1805. Provisions included the usual restrictions at that period of history on slave activities. The first few sections of the act prohibited slaves from leaving their owners without a pass, from leaving a plantation without a pass, or carrying offensive or defensive weapons without permission of the owner. Penalties included the use of the lash on the bare back for every such offense. Other sections of the act placed penalties on persons permitting slaves who were not theirs to remain on their plantations, and on both whites and blacks found in company of slaves during unlawful meetings. Section ten provided that if any master or owner of a slave would allow the slave to "go at large and trade as a freeman," the master or owner would have to pay \$50.00, one moiety (meaning half)² going to any person

asking for it and the other moiety going to the territorial government.

Three years later a second and third slave act was passed by the Legislative Council and House of Representatives of the Territory. On December 12, 1812, a fourth act was passed which created the patrol system. Every militia captain or commanding officer of a company was to make a list of all male persons within his district. Even if the male was a newcomer to the area, a resident of less than ten days, he was to be placed on the list. The men on the patrol list were to perform patrol duties, but they could send substitutes.

When Alabama became a state the first legislature passed an act further developing the patrol system and the general regulation of slaves. But what about slave owners who wanted to free their slaves? What were their chances of doing so? Obviously, there were many reasons why both civil authorities and slave owners generally wanted to restrict the freeing of slaves. The first constitution of Alabama specifically stated that the General Assembly of the state had no power to enact legislation providing for the emancipation of slaves without the consent of their owners. However, the legislature was given the power to enact legislation to permit owners to free their slaves, provided rights of creditors of the owners would not be reduced by the emancipation of slaves of an owner. In other words slaves could be freed and at a later time be taken back into slavery to be sold to satisfy claims either in law or equity that were held against the slave owner at the time he freed his slaves. Thus the process of emancipation of slaves was not allowed on a general basis, thereby greatly restricting emancipation. The process would have to be on an individual case basis, a process only guaranteed by state legislative action. Acts of emancipation passed by the legislature also generally provided the guidelines and conditions necessary for

the successful completion of the freeing of slaves.

An excellent example of the process of emancipation by act of the legislature, and the restrictions placed upon emancipation, can be found in an act authorizing Gilbert D. Taylor of Limestone County "to emancipate certain slaves therein named." The act was passed on December 8, 1822, three years after Alabama was admitted to the Union. It is reproduced here as promulgated rather than generally described, not only because it is an excellent example but because it involves people of the Tennessee Valley.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in general assembly convened, That Gilbert D. Taylor, of the county of Limestone, be, and he is hereby authorized to emancipate the following named slaves, to wit: John Rawlins, Jack Lewis, John Fellows, Thener, a woman, all over the age of twenty-one, on the first day of January next; and Fanny, Susan, Nancy, Tom, and George, under that age, so soon as the said Gilbert D. Taylor shall have executed to the judge of the county court of Limestone county, and his successors in office, a bond, with sufficient security, that said John Rawlins, Jack Lewis, John Fellows, Thener, Fanny, Susan, Nancy, Tom, and George, shall never become chargeable to the state of Alabama, or any county or town within the same: Provided, That nothing in this act contained shall be so construed, as to affect the right of the creditors of said Taylor, but that said negroes hereby authorized to be emancipated shall be at all times during their continuance in this state, liable to be taken in execution, and in default of other sufficient property, be sold to satisfy any judgment or decree founded on any contract or claim either in law or equity, now existing against said Taylor: Provided also, That the said negroes hereby authorized to be emancipated, shall remove out of this state within ten months, and shall not return to reside within the same at any time thereafter: Provided also, That the wife of said Taylor shall upon examination by the judge of the county court, apart from her husband, give her free and voluntary consent to the emancipation of said negroes, which consent shall be entered of record in said court.

¹Harry Toulmin, A Digest Of The Laws Of The State Of Alabama: Containing The Statutes And Resolutions In Force At The End Of The General Assembly In January, 1823. (Cahawba: Ginn & Curtis, 1823) contains the slave code of the Mississippi Territory and the state of Alabama from 1805 to January 2, 1823. A copy of this rare work is located in the Zeitler Room of the Huntsville Public Library.

²Joseph E. Worcester, A Dictionary of the English Language (Boston: Hickling, Swan, And Brewer, 1860), 922.

ECHOES OF THE PAST

By Ran'e Pruitt

In this issue of the Review, we are pleased to introduce a series of 28 articles entitled "Echoes of the Past: Old Mahogany Table Stories." First published in The Huntsville Democrat beginning in October, 1909, the articles were written by Virginia C. Clay. She and her sister, Suzanne Clay, owned and published the Democrat, which they inherited from their father, John Withers Clay.

"Echoes of the Past" contains stories of family and social activities of early Huntsvillians, and provide an insight into the culture of anti-bellum Huntsville. The articles were based on stories told by members of the Clay family as they sat around the old mahogany table, which first belonged to John Haywood Lewis, Virginia's maternal grandfather in 1825. As the mahogany table was passed down to Virginia, with it came stories of the prominent social life of early Huntsville.

Family tradition provides the background for the stories. During the 19th century, the Clays had been one of Huntsville's most prominent and interesting families. Virginia's grandfather, Clement Comer Clay, moved to Huntsville in 1811 and quickly became an important politician. He served in both the Alabama Territory and State Legislature. He was chairman of the committee to draft the Alabama Constitution and be-

came the first Chief Justice of Alabama. Later he was elected Governor and U.S. Senator from Alabama.

Two of governor Clay's sons were prominent leaders of their day. Clement Claiborne became one of the most distinguished voices for Southern Rights in the U.S. Senate during the 1850's. He later served in the Confederate Congress and was imprisoned with Jefferson Davis for conspiracy in the assassination of President Abraham Lincoln. John Withers, the author's father was editor of the Democrat for over 40 years until his death in 1896.

THE OLD MAHOGANY TABLE STORIES

The old mahogany table became very sentimental t'other day and as around its heart the triumvirate sat, ere its lids were closed and the "silence cloth" had struck The Old Home, the turn of converse was toward The Grove-with its sentiments, social glories, fragrant with memories. Mary Margaret Betts, (Grandma Lewis) and Bartley M. Lowe¹ were sent to Huntsville about the year 1811 by their fathers, Samuel Betts and John T. Lowe, from Florida where they owned thousands of acres of land, a part of the Arredondo Spanish tract, on the East coast. Mr. and Mrs. Fenwick, whom Bartley and Mary called Uncle and Aunt, took care of the motherless children with all the tenderness that parents could bestow, and they loved them in life and revered them in death. The children rode three miles to school on horseback: Mary would ride behind Bartley with her arms close around his waist, and-(Here the old mahogany table began chuckling)-for when Grandma was 90 years old she kissed Lucy, Bartley's daughter, with more than usual fervor, confessing with a blush, that:- "I did it because she looked like Bartley. (We laugh) Yes, I always loved him! He was the nicest boy I ever knew! He never teased me, and would have whipt any other boy that dared try it!" This was said with the

spirit of pride and fire of a 16-year-old girl with her first lover and defender. Then she began humming softly:- "Oh there's nothing half so sweet in life, As Love's Young Dream."

Grandma was 14 years of age when she last rode behind Bartley.

Well, we would have laughed outright but the old mahogany table got almost black in the face and looked as if it would like to kick us if its old legs weren't so stiff. We hushed!

The mahogany reminded me and the Old Portraits on the walls of The Grove have gathered together the centuries.

ASHES OF ROSES

Ashes of Roses! Ah, beautiful Past!
In Ashes of Roses embalmed thou art!
Like a shadowy phantom, holding fast
To memories sweet enshrined in the
heart!

Ashes of Roses! Like the passing
breath

Of the setting sun, as it seeks its rest,
On dark clouds that gather to watch

day's death,
Leaves a tender glow, by the Past
carest!

Ashes of Roses! The passions are dead
That held thee to earth with ambition's
fire;

The roses are faded! The tears are all
shed!

And Ashes of Roses now twine the
lyre!

The melodies heard are rippling and
sweet-

An Echo of Rose Leaves' shower, that
 sways
Soft on the ear-to the throbbing heart
 beats;
'Neath Ashes of Roses are buried old
 days!
October 5, 1909 Virginia C. Clay

When this town of ours, with all the country, lay in a forest of great natural fertility, but without cultivation and the great commonwealth of the South's Mother State, Virginia was not yet forty years old, a spirit awakened with enthusiasm for expansion, for adventure and discovery, in the young men. They drifted in droves-these sons of noble sires-from the Thirteen Colonies over the vast virgin forests of the South and middle West, some with a noble patrimony, in dollars and cents, and others with a spirit of thrift and energy that wouldn't die. The revolution had given a rousing shake to the lethargic energies of the people. Minds that had been turned to politics and to speculations-to the neglect of polite letters-became alert with intellectual ambition and culture, and a redundant supply of the best classical literature was ordered from England-for after all, the Mother Country was recognized by her refractory children as superior. Wild forests became fields of richest grain: Cotton was crowned, and minds of those aristocratic pioneers began to expand to the realization that they had a rich heritage of talents as Statesmen, as writers, executives, with a strong commercial influence. Such were the pioneers who made Alabama and who peopled Madison County and Huntsville, and which they have irradiated with their own light, and is reflected back upon them as the years advance.

The Grove was erected by Col. Leroy Pope,² and before the finishing touches were made, he decided to

rise up higher, not Soulfully speaking but residentially above his fellow citizens (ol "Pope's," now Echols Hill). Dr. James Manning³ bought the mansion with its 31 acres of magnificent forest oaks, elms and other indigenous trees. After his death, his widow presented it to her only daughter, Sarah Sophia, who became the wife of Bartley Lowe. It is a brick mansion, of massive build, with a lofty colonnade, (added by Mr. Lowe) supported by commanding, robust Doric columns that measure one hundred and sixty four inches in circumference at the base, and 111 inches around the shaft. It is strictly what an artistic builder might call architectonic, with the columns running from a stone colonnade, with broad stone steps, sixteen modules in height, and surmounted by heavy architraves on entablatures. The top is just below the eaves of the mansion. The front walls were decorated with pilasters of the same order of architecture. Its whole appearance is distinguished by a Palladian character of rich, tho somber ornament indicating that it was built in the first quarter of the nineteenth century. A fine lawn still surrounds it, shaded by venerable oaks, elms, and maples, and latter day queenly magnolias, that bud and bloom each year in a wealth of grandiflora moon-lit blossoms, so white, so stately, as to defy the rivalry of the rippling pink crepe myrtle, the vari-hued, stiff altheas, and the billows of yellow and red lilies, of white and gold daffodils, that sway and nod in the breezes of early spring and summer days. Then the rich verdure of box that outlines the white, pebbly walks, and winding itself into a labyrinthine pyramidal cluster directly in front of the colonnade, and a shower of sparkling jewels spray on the white orchid lilies below, from a fountain-"To whose fall melodious birds sing madrigals."

A ponderous brass knocker marked LOWE is the enunciator. A welcome gracious and sweet is assured from the lady of the mansion, Miss Sarah Manning Lowe,

only surviving child of Gen. Bartley Martin Lowe. Passing through the spacious hall, you enter elegant old double parlors, with the broad folding doors, richly furnished in old mahogany divans, sofas, chairs, tables, and on the handsome mahogany sideboard are the silver candelabras and cutglass that have scintillated from it nearly a century, and gold-framed pier glasses - tell those ashes of roses stories over and over again. And the Old Portraits on the wall, from their gold frames, corroborate them - and the mahogany table says they are true.

Now I will tell you the story about those oil portraits of the Mannings, painted by John C. Grimes⁴ in the twenties and of the Lowes and Davises, painted by Mr. William Frye,⁵ in the '40s and '50s, just as the mahogany table told it to me.

Here is Dr. James Manning, dressed in a colonial suit, with a ruffled shirt, high stock, and a broad cloth suit of an up to colonial-date cut. His face is as beardless as a boy, and was so to death, and his hair brown with eyes that are gentle and kind though a dignity, almost an arrogance is betrayed - that dignity and arrogance that allows no familiarity, permits no breach of etiquette. He carries a handsome gold head cane.

The old mahogany table says that Dr. Manning could be trusted as a friend.

He came from England to America with the two Bibb brothers, William Wyatt and Thomas Bibb,⁶ who became the first two Governors of Alabama.

Thomas Bibb and James Manning fell in love in Huntsville, and presented their sweethearts with their miniatures, set in gold, painted on ivory, and brought from England. Dr. Manning wooed, won and married the daughter of Mr. Robert Thompson, (better known as "Old Blue Thompson" because he was known to keep his money in a blue bag and, humoring the personal allusion, had his portrait taken holding his blue bag).

Sarah Sophia Providence was an heiress, young, fair, attractive, and her presence lent dignity to the Manning mansion at The Grove, and as an ideal aristocratic matron and mother in the gold frame she appears. Mistress Sarah Sophia Providence Thompson wears an ashes of roses gown of silk, made in the most distractingly charming Empire style. A rare wide lace ruffle around the throat and sleeve relieves the very pronounced simplicity of the gown; a high crowned hood-fitting cap of flimy rare lace worn on the aristocratic head makes the wearer appear twice as old as she really was, for she was married in her early teens, and her first child Felix Manning as a lad of five years is in the portrait with his mother.

On the wall opposite her mother is a portrait of the beloved daughter, Sarah Sophia, quaintly gowned in a blue silk Empire, trimmed in lace (Those laces of Mrs. Manning and Mr. Lowe are in the family still, and will probably be cherished by wee year-old Sophie Lowe Young, the 5th generation bearing the name of Sophie.) Close to her mother is Sophie Lowe Davis in a small oval frame. She became the wife of handsome Nicholas Davis, who bought The Grove, keeping it in the family for the century that closed on August 23, 1909. We of this generation knew dear "Miss Sophie;" she left a ray of sunshine that illumines her memory and Mr. Frye in her portrait caught a sweet moment. Tho not a cantatrice, she sang songs of the heart, in voice sweet, responsive and with beautiful patrician hands she played her accompaniments on a harp, clearly and rythmically. And-

Her harp is here, its silver string
Is mute since she last wak'd a parting lay;
To sweep its chords would only bring
to friends a tuneless tale of its decay
Yes there it stands, slow mouldering,
Its sweetness gone, its passions quel'd,

'Round it Ashes of Roses loudly cling,
Like wither'd hopes in memory held!

There is a hush, as in the gloaming,
the silence cloth is laid with more than
usual tenderness on the old mahogany
and we quietly slip away for awhile.

Virginia C. Clay



The Grove

GRIMES IN THE TWENTIES

FRYE FROM 1847 TO 1872

THE GROVE has two portraits that are cherished for the patriots that they represent-Robert Joseph Lowe⁷ (the father of Robert J. Lowe of Birmingham), and William Manning Lowe-as handsome a couple of boys as could be seen anywhere. Mr. Frye painted the future soldiers in the early '50s. The first toe-in of war in 1861 that fired the patriotism of the South, aroused the Madison County boys to action, and in Col. Egbert G. Jones's⁸ brave command they marched away, Robert J. Lowe in the Huntsville Company, marching with his bold comrades. William M. Lowe was then 18 years old and was a student at the University of Virginia. He was given his orders from home not to leave the University with the boys who joined the regiment ranks, but to remain with his books at school. The home orders were not obeyed-he ran away, joined Col. Jones's brave men in the first engagement at Manassas, where the Fourth Alabama Regiment made a name for the military annals of Southern history, unparalleled for courage.

On the battlefield, Robert J. fainted and had an attack of congestion of the brain caused from camp fever, and his boy brother was shot in the forehead. Col. Hugh Lawson Clay brought them home to die. After six weeks of acute suffering Robert died, believing that a federal bullet had killed his brother and his body was left on the battlefield at Manassas. William's skull was seriously fractured, and had to be trephined; the tiny bone removed from his skull was preserved by his sister, Mrs. Clinton Davis, (Sue Lowe) and is still in her desk. William recovered,

"Still the glint of his steel blue eye

Told of a spirit that wouldn't die."

and again he entered the Confederate ranks at Murfrees-

boro, and remained till the war closed, courageous to the last-living to be the joy and comfort of his family. What a glorious voice he had! How the rich, mellow tones rang out in "Tenting Tonight," and in what tender notes did he sing his own composition, "Jeanie Morrison;" and "The Harp that once thru Tara's Hall" was never awakened to sweeter melody than when the chords were swelled by William Manning Lowe.

Ellie Lowe, fresh, fair and sweet as a flower, in a low neck gown of sheerest white organdy, very tiny in the waist and very full in the skirt looks at you with eyes to old and solemn for a girl. She died in the '50s, aged 16. Mr Frye painted her life-size three-quarter portrait.

The mahogany table began to smile and said: Those old times before the Civil War, were funny old times; there was a difference from the times now-a-days. Now, Week-end House Parties are considered the most elegant thing, with the invitation to come Friday and leave Sunday night, or as early Monday as possible. The Grove House Parties were an endless chain, that began the first of January lasting until December 31st. Week-end! No end, for fifty years; old Janus didn't have time to look back: He positively had to adopt the rubber neck system to keep both faces on the future. It was a common occurrence to have a dear friend ride up in his coach to nurse the baby, and little Dinah to play with the bigger children, mama's maid, papa's coachman and special man servant, and, if the races were on, little black Pompey "to ride Mahsr's prize mare." They came unawares, but that was nothing. Everybody was delighted! The Darkies scurried. Mint juleps were served in cutglasses. "Big pot and little ones?" They had no use for little pots; everything was big; two dozen, with cream gravy by the half gallon, and everything else in proportion - "kase Mahsr's niggers et fum de white folks's table, dey sho did." The third

story of The Grove was one large room and used as a banquet hall, where a collation was spread that would have made Lucullus green with envy. The dancing and singing was in the double parlors below, and the fiddlers were all colored and home raised, and Virginia Reels, by Money Musk, Ole Mollie Har and Arkansas Trav'ler, and Hop Light Ladies stirred the very soles of every lad and lassie, and even the dignified matron would

"Tap her dainty heel

To the merry, merry music of the Old Virginia Reel."

Barbecues were held on every Fourth of July out in The Grove and during all political campaigns. May Queens were crowned and Flower Queens were wreathed. At every festival, a house party was welcomed. Then they had guests who came with big trunks and hat boxes. Every prominent citizen in Huntsville kept open house then, and the length of visits indefinite. Now a dress suit-case is all sufficient; a blueflame oil stove, a tin Dutch oven, or a gas hot plate-and no certain cook-is a means of defense against the all the-year-rounder guests-especially when the appendix of the old mahogany table is cut out, and finances cut down.

THE OLD PORTRAIT PAINTERS OF THE PAST

The mahogany table began by telling some stories about Old Portraits, and lolled about The Grove, with all of its fascinating old-time graces oblivious of other portraits and their painters.

Grimes painted the portrait of Mrs. Manning and Mrs. Lowe in the early twenties, and other prominent family groups. A misty story is handed down that he was a young artist with talent, a handsome face, poetical temperament and a delicate constitution. He came from Philadelphia, found all of the big brotherly and sisterly love his artistic nature craved-and failed to receive in his own City of Brotherly Love. Mrs. Mary

Mastin Irby-who was a sister to the late James and Gustavus Mastin-felt sorry for the struggling, delicate artist and she took him in her home as a member of the family. The Irbys then owned and occupied the brick cottage on the corner of Green and Gates Streets now occupied by Waddy Matthews. Here Grimes painted and dreamed in luxury. Many of the most prominent families were prototyped by his facile brush, and perpetuated with a license of poetical fancy for the years and generations to come. When the young artist was making arrangements to leave Huntsville he expressed deep gratitude to his benefactress, Mrs. Irby, and a desire to remunerate her; all she desired was a portrait of himself-which he painted-limning his features with a Byronic touch, artistic, poetic, a mournful vibration of the poet, who at that time is drinking to the dregs a cup of life, love, fancy in the Eye of Greece, flirting with Theresa Macris, swimming the Hellespont in the Astral of Leander, or dreaming on the beautiful violet-crowned Acropolis-then in 1824 dropped in the sea of a wakeless slumber at Missolonghi, when the world became awakened and thrilled by the spirit of the most daring genius since the days of Shakespere.

The original of this portrait is now in Mobile and is owned by Mrs. J. T. Schley, (Bessie Mastin). Huntsville is not entirely bereft. When a young girl, our own sweet artist, Miss Howard Weeden, made a copy of that old portrait of Grimes and it now hangs, a treasure trove, on the parlor walls at the Weeden home, across from the old Irby home. Miss Kate Weeden owns it. Go to see her and she will show it to you and tell you all about it. You know Grimes painted the Bradleys, old Blue Thompson, Clays, Bibbs, and no telling how many other pioneers of the aristocracy.

These Old Portraits, with a very few exceptions, were not satisfactory to the originals or their families but kind old Anno Domini has given the proper distance;

retrospectively, the perspective is pre-eminently correct: All of their blemishes are thrown in the darkness, their beauties are brought out to view, the whole finely softened chastened by the melancholy light of our regret. The images now rise up in our hearts through shades of memory; like a spirit from the tomb, already invested with the purity of the better world-and all the more lovely, because they melt in our embrace.

The old mahogany table though bright, and always polished, was a little rough when rubbed the wrong way, and with a decided gape at the thought of those vandals who dared relegate to the attic the portraits of those dear old fathers and mothers or grandparents who gave them all that life is worth-a good and true name-who built the County, the town, the foundation of our magnificent county's commonwealth.

Such people have no genuine heart of oak, even, and are unworthy of a place round the mahogany table-it shows a common deal table streak.

The old mahogany sleepily closed its lids as it said:-
"Let's talk about Mr. Frye next-for I am bored now."

Virginia C. Clay

¹Bartley M. Lowe, Merchant, Brigadier General State Militia. Born in Edgefield, South Carolina, and died in New Orleans, La. Moved to Huntsville and became a successful Merchant, until the financial revulsion of 1837 swept away his fortune. He was elected Brigadier General of Alabama Militia. Owen, History & Biography, vol. 4, 1072.

²Leroy Pope (1765-1844). Born in Virginia, came to Alabama in 1809. He was the first early developer of Huntsville. He named the town Twickenham; however, the name was soon changed to Huntsville in honor of John Hunt.

³Dr. James Manning came to Huntsville from Elbert Co., Georgia. He was accompanied by other prominent citizens and thus "stripped the town of its vital forces." Dr. Manning was described as a man of "great wealth and modesty." Betts, Early History of Huntsville, 22-23.

⁴John C. Grimes (1804-1837). Portrait painter and teacher of drawing and painting. Native of Kentucky working in Huntsville, Alabama c1820, 1836, Nashville, 1834.

⁵William Frye (1819-1872). Portrait and landscape painter. Born in Bohemia and migrated to the U.S. to paint American Indians. He settled in Huntsville in 1848 and became an American citizen. His most famous landscapes are the Big Spring in Huntsville & the Chalk Cliff of Demopolis.

⁶Thomas Bibb, Planter, Merchant, Member of Constitutional Convention of 1819, President State Senate, and acting Governor of Alabama. Born in 1784, in Amelia Co., Virginia. Died September 20, 1839, in Huntsville. Owen, History of Alabama & Dictionary of Alabama Biography, vol. 3, 147.

⁷Robert Joseph Lowe, lawyer, born at Huntsville in 1861. He was a member of the State Legislature, 1888-1889; a member of the Constitutional Convention of 1901. He served as First Sergeant of the Madison Co. Rifles, 1879-1880. Owen, History of Alabama & Dictionary of Alabama Biography, vol. 4, 1072.

⁸Egbert J. Jones, Colonel, C.S. Army. Born about 1820 in Madison Co. Died at Orange Court House, Virginia, in 1861. Graduated from law school at the University of Virginia. In 1844 & 1845 he represented Limestone Co. in the Legislature. He was intensely Southern in his political views, and was elected Captain of one of the first companies that left Madison Co., which became part of the 4th Ala. Infantry Regiment, C.S. Army on its organization at Dalton, Ga. in April 1861. Died in battle at Orange Co. Court House, Virginia.

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