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The 11th Day of January, 1861

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Norman M. Shapiro

“The undersigned, delegates to the Convention of the people of the State of Alabama, feel it their duty to themselves, to their constituents, and to the people of the State at large, to make public the reasons that actuate them in withholding their signatures from the Ordinance of Secession by which the people of Alabama resumed, on the 11th day of January, 1861, the powers previously delegated to and exercised by the Federal Government.”¹ With these words, thirty-three of the thirty-nine distinguished gentlemen of Alabama who voted against the Ordinance of Secession began explanation of the rationale for their action. They were, of course, concerned that their action be perceived as disloyal and unpatriotic by the people of the State and attempted to allay such notion with a repetition of the arguments and pledges they had made during the five days of the convention. Indeed, it is our purpose to determine what happened to these men and how they fared after this crucial time. The full text of their statement, which appears as Appendix I, described the two primary reasons for their opposition to the Ordinance: that 1) the Ordinance of Secession should have been submitted to a direct vote of the people of the State and 2) that the other states with identical interests were not consulted prior to secession.² The latter reason was a basic concept of the so-called “cooperationists,” and all of these gentlemen were elected under this platform.

The election of delegates to the convention was called for December 24, 1860, by a proclamation issued by Governor A. B. Moore on December 5, 1860, the day the Electors cast their votes for Abraham Lincoln for President. By the time Governor Moore issued his official proclamation, a spirited campaign was already in progress in most of the counties between those who favored immediate secession by separate state action, commonly referred to as “straight-outs,” and the aforementioned cooperationists who held varying views based on the timing of secession and cooperation with the other states. Fleming³ divides the cooperationists into three main groups: those wanting the cooperation of the southern states within the Union in order to force their rights from the central government; those wanting the southern states to come to an agreement within the Union and then secede and form a confederacy; and a third class who wanted a clear understanding among the cotton states before secession. Dorman⁴ provides convenient labels for these groups: “ultimate secessionists” for the first group and “cooperative secessionists” for the second and third groups. He also indicates that those who were actually “unionists,” and there were some, usually went under the guise of cooperationists, and in most counties worked with the other opponents of immediate secession.

Fifty-four secessionist and forty-six cooperationist delegates were elected to the Convention in the election of December 24, 1860. The counties sending cooperationists were, in general, northern, and the counties sending secessionists were, in general, central and southern. Exceptions were Conecuh County, which set a cooperationist from the southern part of the state; Calhoun County, which sent three secessionists from the northeastern part of the state; and Coosa and Tallapoosa Counties, which sent six cooperationists from a salient extending well into the secessionist region of central Alabama.⁵ The one hundred delegates convened on 7 January 1861 in the chamber normally occupied by the House of Representatives in the State Capitol at Montgomery. The secessionist majority was sustained in the election of a presiding officer when William M. Brooks of Perry County was elected over one of the cooperationist leaders, Robert Jemison Jr. of Tuscaloosa County by a vote of 53 to 45 (Brooks and Jemison not voting) and this breakdown generally prevailed in all of the procedural votes of the Convention. Given the solid majority of secessionists and the fact that most of the cooperationists were ultimate or cooperative secessionists, the only question at issue when the Convention settled down to work was how to secede? To decide that question, leaders of the two factions were placed on a Committee of Thirteen.⁶ It was obvious that an Ordinance of Secession would be passed as soon as the secessionists would bring it to a vote and while the Committee deliberated, the cooperationists made impressive speeches. The secessionist viewpoint was well understood and, with the exception of William Lowndes Yancey of Montgomery, they had little to say until the Ordinance was passed. Yancey, the undoubted leader of the secessionists, had some spirited and acrimonious debates with Robert Jemison.

On the fourth day, a majority report and a proposed “Ordinance to dissolve the Union between the State of Alabama and other States united under the compact styled “The Constitution of the United States of America’ “ were submitted by Yancey for the Committee of Secession. Although the majority had preferred a simple Ordinance of Secession, they did include in the Ordinance a resolution calling for a meeting of the southern states in Montgomery on February 4, 1861, for consultation on concerted action deemed desirable for common peace and security. A minority report, presented by Jeremiah Clemens of Madison County, reiterated the cooperationist arguments and called for a convention of all of the southern states to meet in Nashville on February 23, 1861, to consider wrongs and appropriate remedies. After much more discussion, the Ordinance was amended to include a statement inserted before the above resolution expressing that “And as it is the desire and purpose of the people of Alabama to meet the Slaveholding States of the South, who may approve such purpose, in order to frame a provisional as well as permanent Government, upon the principles of the Constitution of the United States.” These statements were somewhat of a concession to the cooperationists, but note that these actions were to take place

after the state seceded. The full text of the Ordinance of Secession appears as Appendix II.

On January 11, 1861, the fifth day, Yancey closed the debate with a lengthy speech and the Ordinance was called up and passed by a vote of 61 to 39, with every delegate voting. Seven delegates who were elected as cooperationists voted for the Ordinance, including Jeremiah Clemens.

The passage produced much excitement throughout the state in partisans on all sides. Thirty-three of the thirty-nine cooperationists issued their "Address to the People of Alabama" and pledged themselves to support the state in all the consequences that might result from The Ordinance and to affix their signatures if it was so desired by the public. It is not known why the other six did not sign the "Address." Fifteen of the cooperationists did later sign the Ordinance including eleven signers of the "Address." But the question remained as to how their negative vote against such an apparently popular mandate would be perceived in the turbulent days ahead.

The last rather complete treatment of the Secession Convention was prepared by the Alabama Department of Archives and History and published in a combined double issue of *The Alabama Historical Quarterly* in 1941.⁷ An important part of this study was a collection of biographical sketches of the Convention delegates. In an editorial prefacing the article, Marie Bankhead Owen, Director, Alabama State Department of Archives and History, mentioned the great difficulties encountered in locating biographical facts (even birthplaces) for many of the delegates. A primary source of such information was the unique contribution of Thomas M. Owen,⁸ however, important details were lacking for many of the delegates. This author has been able to supplement the data contained in Endnotes 7 and 8 by a study of Federal Census records, county histories and other sources, in order to provide some insight into the later experiences of the steadfast cooperationists.

The pertinent essentials for the thirty-nine delegates appear below in the following order: birth date, birth place, death date, occupation, and contributions. Those who did sign the Ordinance of Secession are indicated by an asterisk. It is reasonable to assume that election to public office after the Convention would indicate some acceptance by their fellow citizens, and it is found that twenty-nine were elected to various positions after this time. Several of these were elected as Republicans and designated "scalawags" in Endnote 9 and in the following biographical sketches by an (s). Nine of the gentlemen served in the Confederate Army.

ALLEN, LANG C., Marion County: 1833. Alabama. 1901. Prepared for medical profession, but built and operated a thread factory. Served in Confederate Army

***BEARD, ARTHUR CAMPBELL, Marshall County: 1810. Kentucky. 1877. Merchant and planter. Served in Confederate Army as Major, Fourth Alabama Infantry. Resigned 1862 because of ill health and served as aide on staff of Governor John Gill Shorter. Representative in the State Legislature 1863-1865.**

BRASHER, JOHN J., Blount County: 1820. Alabama. 1887. Methodist minister. Served in the Union Army (See below).

BULGER, MICHAEL JEFFERSON, Tallapoosa County: 1806. South Carolina. 1900. Planter. Elected to the State Legislature 1851 and 1857. He served as Brigadier General of Militia until 1861. When war came, he assisted Governor Shorter in reorganizing the cavalry and served as Captain, Lieutenant Colonel, and Colonel. Forty-seventh Alabama Infantry; was wounded several times and commissioned Brigadier General. He was a member of the State Senate in 1866.

***CLARKE, JAMES S., Lawrence County: 1830. Alabama. 1881. Lawyer. Elected circuit court judge in 1868. He was nominated for Governor in 1876 and was a Republican Presidential Elector in 1880. (s)**

COFFEE, JOHN R., Jackson County: 1814. Tennessee. 1896. Merchant and farmer. Elected as sheriff of Jackson County in 1840. Served in Mexican War as Colonel, First Alabama Regiment, and after the war he eventually became Major General of the State Militia. He was bitterly opposed to the Ordinance of Secession but afterward gave moral and substantial support to the Confederacy. He was a delegate to the 1876 Republican Convention. (s)

COMAN, JOSHUA PROUT, Limestone County: 1812. North Carolina. 1885. Physician and public official. Elected to State Legislature 1835 and 1837 and to the State Senate in 1861 and 1863. he was a delegate to the 1865 Constitutional Convention and judge of the probate court of Limestone County after the war. (s)

***DAVIS, NICHOLAS JR., Madison County: 1825. Alabama. 1874. Lawyer. Served as a Lieutenant in the Mexican War. Elected to State Legislature from Limestone County in 1861 and served as solicitor of Madison County 1855-1860. Elected to Provisional Congress of Confederacy and served in Confederate Army for a short time. He was active in Republican Party politics in Madison County after the war. (See below.) (s)**

***EARNEST, WILLIAM S., Jefferson County: c1811. Tennessee. 1882. Lawyer. Elected to State Legislature in 1851 and was unsuccessful candidate for governor in 1853. He was also unsuccessful in election to Congress in 1861.**

EDWARDS, WILLIAM H., Blount County: c1826. Alabama. _____. School teacher. He was elected to the State Legislature in 1857 and to the State Senate in 1865.

FORD, JONATHAN, Morgan County: 1813. South Carolina. 1884. Planter. Served as probate judge of Morgan County from 1868 to 1874.

***FORRESTER, GEORGE**, Randolph County: c1820. Georgia. 1899. Merchant and farmer. he was a delegate to the 1865 Constitutional Convention and was elected to the State Legislature in 1871 but did not serve when the election was contested. (s)

FRANKLIN, JOHN N., DeKalb County: 1824. Kentucky. 1903. Miller, farmer and primitive Baptist minister. Elected sheriff and constable of DeKalb County and probate judge 1862-1865, 1866-1868, and 1880-1886.

***GAY, HENRY MITCHELL**, Randolph County: 1812. Georgia. 1865. Farmer. Elected to State Senate in 1853 and 1855.

***GREEN, JOHN**, Conecuh County: 1790. South Carolina. 1882. Lawyer, planter and teacher. Served in the War of 1812. Elected to State Legislature in 1824 and 1829. Though eighty-five years old, he was elected as a delegate to the 1875 Constitutional Convention. He was the only member from south Alabama to vote against the Ordinance of Secession.

GUTTERY, ROBERT, Walker County: 1801. Tennessee. 1877. Merchant, farmer and primitive Baptist minister. He supported the Confederacy after the convention and several of his sons served in the Confederate Army.

***HOOD, WILLIAM A.**, Jackson County: 1809. North Carolina. a1880. Farmer. Was justice of peace in 1860. He served as a private in Co. I, 55th Alabama Infantry until October 1862 when he was discharged with a physical disability.

***INZER, JOHN WASHINGTON**, St. Clair County: 1834. Georgia. after 1907. Lawyer. Was Lieutenant Colonel and commanded Fifty-eighth Alabama Infantry. Later served as probate judge and circuit court judge and was elected to State Senate in 1874 and in 1890 and to the Constitutional Convention of 1875.

***JEMISON, ROBERT JR.**, Tuscaloosa County: 1802. Georgia. 1871. Lawyer and business man. He served in the State Legislature 1840-1842; 1844; 1847-1851, and in the State Senate 1851-1863. He was elected to the Confederate States Senate in 1863.

JONES, ELLIOTT PRIEST, Fayette County: 1819. Alabama. 1880. Lawyer.

He was judge of the county court, 1848-1850, and served in the Sate Senate, 1850-1860. He was elected to the Constitutional Convention of 1865.

JONES, HENRY COX, Lauderdale County: 1821. Alabama. 1913. Lawyer. Served as probate judge in Franklin County in 1841 and was elected to the State Legislature in 1843 and 1844 and to the State Senate in 1853 and 1855. He moved to Florence in 1856 and represented Lauderdale County in the 1861 Convention. He served one year in the Provisional Congress of the Confederate States.

KIMBALL, ALLEN, Tallapoosa County: 1803. North Carolina. 1871. Physician. Served in the State Legislature, 1844 and 1845, and in the State Senate, 1853 and 1855. Provided aid in defense of the State and lost a son and two sons-in-law in the war.

*LEWIS, DAVID PETER, Lawrence County: 1820. Virginia. 1884. Lawyer. He was elected to the Provisional Congress of the Confederate States by the 1861 Convention but resigned his seat. He was elected Republican Governor of Alabama in 1872. See Endnote 10 for a description of his experiences during the war years. (s)

MC CLELLAN, THOMAS JOYCE, Limestone County: 1811. Tennessee. 1887. Farmer. he was elected to the State Legislature in 1861 and 1862.

POSEY, SIDNEY CHERRY, Lauderdale County: 1805. South Carolina. 1868. Lawyer. he was elected to the State Legislature, 1835-1836, the State Senate, 1837, 1844 and 1845, and as circuit judge 1847-1850. He was again elected to the State Legislature in 1861 and helped devise ways of raising means for the public defense. He was a member of the state Republican Executive Committee in 1867. (s)

POTTER, JOHN, Cherokee County: c1817. Georgia. 1883. School teacher and Methodist minister. He was associated with academies in Gadsden before and after the war. He was elected to the State Legislature in 1866.

RUSSELL, TIMOTHY JOHN, Tallapoosa County: 1812. South Carolina. 1868. Lawyer, planter and Baptist minister. He was a member of the 1865 and 1867 Constitutional Conventions. (s)

SANFORD, HENRY C., Cherokee County: 1802. South Carolina. 1888. Merchant, school teacher and Methodist minister. He was a member of the State Legislature 1853-1857 and the 1865 Constitutional Convention. he was elected to the State Senate in 1868 and 1870. He was a Republican Presidential Elector in 1876. (s)

SHEETS, CHARLES CHRISTOPHER, Winston County: 1839. Alabama. 1904. School teacher. He was a member of the State Legislature in 1862 and the 1865 Constitutional Convention. Sheets was Republican Presidential Elector in 1868, a U.S. Congressman in 1872 and 1874, and a member of the state Republican Executive Committee in 1875. See below. (s)

***SHEFFIELD, JAMES LAWRENCE**, Marshall County: 1819. Alabama. 1892. merchant and planter. He was a member of the State Legislature 1855-1859 and Colonel, Forty-eighth Alabama Infantry Regiment. he was a member of the 1865 Constitutional Convention and elected to the State Senate in 1865.

SMITH, WILLIAM RUSSELL, Tuscaloosa County: 1815. Kentucky. 1896. Lawyer, author and congressman. Served in the Creek War and was elected circuit judge in 1850 and to Congress in 1851, 1853 and 1855. he was commissioned Colonel, Twenty-sixth Alabama Infantry, but was elected to the Confederate House of Representatives in which he served until 1865. he was elected President of the University of Alabama in 1870. He compiled the record of the 1861 Secession Convention.

STEDHAM, WINSTON, Marion County: 1810. Tennessee. 1895. Farmer and surveyor. He was a justice of the peace in Marion County for twenty years and was elected to the Alabama Legislature in 1865.

STEELE JOHN ANTHONY, Colbert County: 1835. Alabama. 1916. Lawyer and planter. He served as Captain of Co. F, Eleventh Alabama Regiment in Forrest's cavalry. He served in the Alabama Legislature in 1870, 1871, 1872 as a Democrat and in 1878, 1879 as a Republican. he was elected probate judge of Colbert County in 1880 and served twelve years in that position.

***TIMBERLAKE, JOHN**, Jackson County: 1817. Virginia. 1867. Building contractor, merchant and farmer.

WATKINS, RICHARD SHARP, Franklin County: 1815. Alabama 1881. Lawyer. he was probate judge of Franklin County from 1843 to 1849 and served in the State Legislature 1849-1855. he was nominated for Chancellor in 1874. (s)

WHITLOCK, WILLIAM LAFAYETTE, Cherokee County: 1825. South Carolina. 1892. Lawyer. He was elected judge of the 12th judicial circuit in 1868 and served for twelve years.

WILSON, BURR W., Fayette County: 1809. Tennessee. 1883. Lawyer. he was probate judge of Fayette County, elected to the State Legislature in 1835 and served in the State Senate from 1837-1843.

WINSTON, WILLIAM OVERTON, DeKalb County: 1804. Virginia. 1871. Lawyer and railroad president. He served in the State Legislature from 1840-1845 and then as solicitor of the judicial circuit until 1855 when he was again elected to the Legislature. he was a member of the 1865 Constitutional Convention and was elected to the State Senate that same year.

***WOOD, R. J., Randolph County: 1825. Georgia. 1895.** Tannery and mine operator. During the war, manufactured shoes and mail bags for the Confederate government.

Very few documented incidents have been found where these men suffered indignities or undue harassment because of their stand. Surely the most noted case was that of Christopher Sheets of Winston County, the “hero of Looney’s Tavern.” Sheets was reputed to be a vigorous opponent of secession; however, none of his remarks were recorded in Smith’s *Debates*. After the Convention, Sheets was elected to the State Legislature in 1862 but was later arrested for alleged disloyalty to the Confederate government and expelled from the House. He apparently spent most of the war in prison. According to Thompson¹¹ Sheets was also involved in a scuffle on the floor after the vote at the Secession Convention and was carted off to jail and imprisoned for several days. To the people of Winston County, however, Chris Sheets was indeed a hero and was so commended at the meeting at Looney’s Tavern in Winston County on July 4, 1862, at which the epithet “Free State of Winston” was first mentioned. he served in many elective and appointive offices after the war including the U.S. Congress and as U.S. Consul to Denmark. he died in Decatur, Alabama, in 1904.

John J. (Jack) Brasher, a popular preacher of Blount County, vehemently opposed the secession decision and after the Convention took to the stump and advocated that Blount and several adjoining counties withdraw from the Confederacy and form their own independent state.¹² He also became the center of a movement to avoid military service, and a band of about 50 men, termed the “Hide-Outs,” left their homes to avoid the Home Guards and lived among the cliffs on the banks of the Little Warrior River. Most of the Hide-Outs were eventually captured and pressed into military service, but some escaped. Jack fled to Tennessee with a number of men from Blount and St. Clair Counties and joined the Union Army. After the war, Jack returned to his church and mill but preached to empty pews. Young ruffians would shout “Amen” and sing off-key. Finally, his mill was deliberately fired and burned to the ground. Jack moved to Etowah County where he resumed his preaching and became a county school superintendent. His son, Dr. John Lakin Brasher, served as Secretary of the Alabama Methodist Conference for 37 years and was the first president of Snead Academy which later became Snead Junior College.

In the political arena, antipathies toward some of the men persisted for some years after the war and during the reconstruction period. In Madison County, there is the example of David P. Lewis of Lawrence County who moved to Huntsville in 1865 and resumed his practice of law. "Unionist" Lewis switched from the Democrats to the Republican party after the 1868 presidential election and was elected Governor of Alabama as a Republican in 1872 over Democrat Thomas H. Herndon of Mobile. The following editorial which begins rather mildly and concludes with seething invective appeared a few days before the election in *The Huntsville Democrat* of November 1, 1872.

"We cannot understand by what process of reasoning any sensible and patriotic man can reconcile it to his conscience, to vote for any man, no matter what his personal qualities, who is the representative candidate of a party whose principles (?), policy and practice are, all, opposed to the peace, prosperity and happiness of his country. We have heard it suggested that Judge D. P. Lewis would get the vote of some of the best Democrats and Conservatives in the State, on account of their personal friendship for him or some personal obligation to him. We have not been able to identify any of these peculiar patriots, who place their personal likes, dislikes or obligations above their love of country and their obligations to the community in which they live. We hold that every citizen should have a higher and holier regard for the principles he professes, and the general interests of the country, than for any individual citizen - and that he has no moral right to sacrifice the interests of his country to his personal friendships or his desire to promote the political fortunes of any individual. But how can any good and true man hesitate as to his duty when two such men are presented for his choice as Herndon, with his honorable and patriotic antecedents, and Lewis, with his black record of desertion of the South in the darkest, direst days of the war, and consorting with the carpet-bag, niggeradical party since the war, for our oppression, plunder and ruin? Lewis has no high personal qualities to challenge our confidence and respect. But if he had such qualities, he is associated with men utterly devoid of them; some of whom belonged to the Radical Ring of fools and thieves in power during the Smith administration, who imposed heavy taxes upon our people, plundered the State Treasury, and, by fraud and bribery, ran our State debt, actual and contingent, from five or six million up to about \$38,000,000. 'A man is known by the company he keeps,' and Judge Lewis is in very bad company--carpet-bag adventurers, office-hunting scalawags and negroes, leagued together against the true white people of the State. How can any true white man, especially a Southern man, support Lewis or any of his crew, and maintain his self respect?"

Three days after the election, Madison County's Nicholas Davis also came in for his share of disdain with this item from the November 8, 1872, *Huntsville Democrat*.

"The day after the election, in the exuberance of their joy, several 'loil' blacks lifted Wm. Council¹³ in their arms and bore him a short round. Then a similar office was performed for Nick Davis. After being borne nearly across the square and back, he was taken to the Court House steps and made a Radical glorification speech to the negroes, telling them that 'equal rights and fair play had triumphed, as it always would, in favor of Republican principles' &c."

And two weeks later in the November 22, 1872, *Huntsville Democrat*.

"FIGHT. - On Monday last, Nick Davis and Sam Weaver, two loyal subjects of Ulysses the First,¹⁴ had a fight in one of the saloons of Huntsville. Sam 'chewed' one of Nick's fingers, so that the first joint had to be amputated, cut his head severely with an iron poker, and bunged his face considerably. We have not ascertained any of Sam's injuries, but learn that they amounted to nothing serious. These 'loil Radicals' give no practical significance to the edict of Ulysses I, 'Let us have peace.'"

Marie Bankhead Owen, in the opening words to her aforementioned Editorial, writes, "The most momentous date in the history of Alabama was January 11, 1861, when its legally authorized delegates in Convention assembled in Montgomery, passed the ordinance withdrawing the State from the Union." It is obvious that this date was even more significant to these 100 men, both those who approved secession and those who opposed it. From a survey of those delegates who refused to sign the Ordinance of Secession, it is evident that taking such action made it necessary for them to withstand criticism which continued for the rest of their lives. Some of these men were staunch conservative Whigs who became Republicans and continued to support their principles within the framework of the Republican party.

ENDNOTES

¹Smith, William R. *The History and Debates of the Convention of the People of Alabama*. Montgomery, White Pfister & Co. 1861. Reprinted 1795, The Reprint Co., Publishers, Spartanburg, SC. Also printed in newspapers throughout the State including *The Southern Advocate*, Huntsville, Alabama, February 16, 1861, in Dorman's *Party Politics in Alabama*

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from 1850 through 1860, in *The Alabama Historical Quarterly* in 1941,
and in *The War of the Rebellion, A Compilation of the Official Records
of the Union and Confederate Armies, Series IV, Volume I*,
Washington, Government Printing Office, 1900.

²Spelling of the names of the signers has been corrected from earlier versions.

³Fleming, Walter L., *Civil War and Reconstruction in Alabama*. The Macmillan
Company, New York, 1905.

⁴Dorman, Lewry, *Party Politics in Alabama from 1850 through 1860*. The
Alabama State Department of Archives and History, Montgomery,
Alabama, 1935. Reprinted, 1995, The University of Alabama Press,
Tuscaloosa, Alabama.

⁵*Ibid.*, p. 110.

⁶The Convention President appointed seven secessionists: Yancy, Morgan,
Yelverton, Webb, Gibbons, and Clark; and six cooperationists: Jemison,
Kimball, Winston, Lewis, Watkins, and Clemens. *Journal of the
Secession Convention*, pp. 8-9. Alabama State Archives, Montgomery,
Alabama.

⁷*The Alabama Historical Quarterly*. Vol. 3, Nos. 3 & 4, Fall and Winter Issue,
1941. Published by State Department of Archives and History,
Montgomery, Alabama.

⁸Owen, Thomas McAdory, *History of Alabama and Dictionary of Alabama
Biography*. S. J. Clarke Pub. Co., Chicago, 1921.

⁹Wiggins, Sarah Woolfolk, *The Scalawag in Alabama Politics, 1865-1881*. The
University of Alabama Press, University, Alabama, 1977.

¹⁰Shapiro, Norman M. "The Pardons of Madison County." *The Huntsville
Historical Review*, Vol. 22, No. 1, Winter-Spring 1995, pp. 17-19.

¹¹Thompson, Wesley S., *The Free State of Winston - A History of Winston
County, Alabama*. Pareil Press, Winfield, Alabama, 1968.

¹²*The Heritage of Blount County*. Blount County Historical Society, 1972.

¹³Born of slave parents in Fayette, North Carolina, William Hooper Council was
the founder of Alabama A & M University.

¹⁴Ulysses S. Grant, re-elected to his second term on November 5, 1872.

APPENDIX I

ADDRESS TO THE PEOPLE OF ALABAMA

The undersigned, delegates to the Convention of the people of the State of Alabama, feel it their duty to themselves, to their constituents, and to the people of the State at large, to make public the reasons that actuate them in withholding their signatures from the Ordinance of Secession by which the people of Alabama resumed, on the 11th day of January, 1861, the powers previously delegated to and exercised by the Federal Government. This duty is the more imperative, as designing persons have misrepresented, and will continue to misconstrue, their refusal to participate in a mere form of attestation, into opposition and hostility to a solemn act of the State. This act is binding on all citizens alike, and none are more ready than the undersigned, to yield a cheerful obedience to the will of their State, to which they owe their first and paramount allegiance, and none will be more faithful in upholding and sustaining at any price, and at any sacrifice, her interest and her honor, in the attitude she has assumed by this act. If, therefore, the enemies of the State derive comfort from the refusal of the undersigned to sign the Ordinance, the fault will lie with those who misrepresent their motives or impugn their patriotism and loyalty to their State.

The Ordinance derives no additional validity from the signatures of the individual delegates composing the Convention. The affixing these signatures is a mere form of attestation, and might be, and most likely would be, regarded as a voluntary abandonment and retraction of those principles and views of public policy, advocated by the undersigned before the people, and which caused them to oppose the passage of the Ordinance of Secession [in its present form]. While the undersigned cannot consent to have even the appearance of modifying or relinquishing these views and principles, they do sincerely disclaim all intention to perpetuate the bitterness and animosities of former party division, or to encourage new divisions between those who favored and those who opposed separate State action, and they solemnly pledge themselves to a faithful and zealous support of the State in all the consequences that may result from the Ordinance of Secession.

These principles and views of public policy, to which they stood pledged to their constituents, and which have governed their action in Convention, are so well known as to require only a brief enumeration.

First. The great fundamental principle that all representative bodies, exercising a high and responsible public trust, should submit their acts for the approval or condemnation of those by whom the trust was confided; especially when in the discharge of such trust, is involved a radical change in the existing Government, affecting alike the highest and lowest in the land, and upon which depends the

welfare and happiness of not only this generation, but that of the remotest posterity, demanded that the Ordinance of Secession should have been submitted to the people of the State for their ratification or rejection at the ballot box. This principle is the foundation of the whole theory of popular government, and is the only safeguard to the abuses of trust and the usurpations of power.

Secondly. Not only comity, but the interest of all concerned, and of none more than Alabama, dictated the policy of respectfully consulting with all the States whose identify of interest makes their ultimate destiny inseparable from ours, and who are affected almost as much as ourselves by any action on our part, of devising with them, or at least such of them as would join us in a plan of harmonious and simultaneous action, thus presenting in all our dealings with the Federal Government, foreign nations or hostile States, a united strength, a moral power and a national dignity, which no single State could hope to present; of establishing a new Confederacy of all the States engaged in a common cause, before finally severing all connection with the Federal Government, and thus avoiding to the individual States the burdens and dangers of an independent and separate national existence, placing the formation of a new Confederacy beyond the risks and hazards to which it would be subjected by the conflicting interests and views of disunited States, each acting for itself, without concert one with another, and leaving no interregnum during which men's minds could be unsettled, and all materials interests jeoparded [sic] by the uncertainties of the future. These views of policy the undersigned are convinced are the only ones constant with prudence and a wise discretion, and the only ones that can lead to a peaceful and successful termination of present difficulties. It is not yet too late to apply them, at least in part, to the management of public affairs, and as we see with pleasure the cheering indications of their being more generally recognized and adopted than during the first effervescence of popular excitement, at the accumulated wrongs and insults of hostile and sectional factions, culminating in the election of a sectional President.

It will not be necessary to add, in conclusion, that in refusing to sign the Ordinance of Secession, the undersigned are actuated by no desire to avoid the responsibilities that now attach, or may hereafter attach, to the act by which the State withdrew from the Federal Union. Not only will they share the responsibilities alike with those who sign the Ordinance, but if it should appear that the public interest or expediency requires the affixing of their signatures, they will unhesitatingly and cheerfully do so—their object being in the present statement solely to defend and maintain the principles and line of policy, the advocacy and support of which was entrusted to them by their constituents, and which they believed to be of vital importance to the future peace and welfare of the State.

With this brief exposition of our acts, and the reasons therefore, we are willing

to be judged by a candid public; the truth and sincerity of our declarations and motives, time alone can decide; and upon the correctness and wisdom of those principles and views of public policy, by which we have been governed, “other men and other times” will render a correct verdict.

R. JEMISON, JR.

WM. O. WINSTON

JOHN GREEN, Com.

JOHN TIMBERLAKE

M. J. BULGER

A. KIMBALL

WILLIAM H. EDWARDS

R. J. WOOD

GEORGE FORRESTER

HENRY M. GAY

WINSTON STEDHAM

ARTHUR C. BEARD

JAMES L. SHEFFIELD

J. N. FRANKLIN

JONATHAN FORD

ROBERT GUTTERY

W. R. SMITH

NICK DAVIS

THOMAS J. McCLELLAN

JOHN POTTER

S. C. POSEY

E. P. JONES

B. W. WILSON

LANG C. ALLEN

JOHN A. STEELE

J. P. COMAN

HENRY C. SANFORD

JOHN J. BRASHER

R. J. WOOD

JOHN R. COFFEE

TIMOTHY J. RUSSELL

H. C. JONES

WM. L. WHITLOCK

APPENDIX II

ORDINANCE OF SECESSION

An Ordinance to dissolve the Union between the State of Alabama and other States united under the compact styled “The Constitution of the United States of America.”

WHEREAS, the election of Abraham Lincoln and Hannibal Hamlin to the offices of President and Vice President of the United States of America, by a sectional party, avowedly hostile to the domestic institutions and to the peace and security of the people of the State of Alabama, preceded by many and dangerous

infractions of the Constitution of the United States by many of the States and people of the Northern section, is a political wrong of so insulting and menacing a character as to justify the people of the State of Alabama in the adoption of prompt and decided measures for their future peace and security; therefore,

Be it declared and ordained by the people of the State of Alabama, in Convention assembled, That the State of Alabama now withdraws, and is hereby withdrawn from the Union known as “the United States of America,” and henceforth ceases to be one of said United States, and is, and of right ought to be, a Sovereign and Independent State.

Sec. 2. Be it further declared and ordained by the people of the State of Alabama in Convention assembled, That all the powers over the Territory of said State, and over the people thereof, heretofore delegated to the Government of the United States of America, be and they are hereby withdrawn from said Government, and are hereby resumed and vested in the people of the State of Alabama.

Be it resolved by the people of Alabama in Convention assembled, That the people of the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Florida, Georgia, Mississippi, Louisiana, Texas, Arkansas, Tennessee, Kentucky and Missouri, be and are hereby invited to meet the people of the State of Alabama, by their Delegates, in Convention, on the 4th day of February, A.D., 1861, at the city of Montgomery, in the State of Alabama, for the purpose of consulting with each other as to the most effectual mode of securing concerted and harmonious action in whatever measures may be deemed most desirable for our common peace and security.

And be it further resolved, That the President of this Convention be, and is hereby instructed to transmit forthwith, a copy of the foregoing Preamble, Ordinance, and Resolutions to the Governors of the several States named in said resolutions.

Done by the people of the State of Alabama, in Convention assembled, at Montgomery, on this the eleventh day of January A.D., 1861.