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The Second Madison County Courthouse



A local newspaper called the second Madison County Courthouse “the prettiest courthouse in the state from an architectural point.” Photograph by E.L. Love, copied by Alex Bush for HABS, 1935

The inclusion of the second Madison County Courthouse in the Historic American Building Survey is unusual in that the building was demolished some 20 years before the 1935 survey was begun. Huntsville architect Edgar Lee Love (1867-1936) documented the building with detailed drawings and photographs prior to its razing in 1913. This impressive Greek Revival structure served for many years not only as the seat of county government but also as an outward embodiment of a prosperous city.

The county’s first courthouse was built about 1811 while Alabama was part of the Mississippi Territory. Although no contract has been found for its construction,

a superior court case indicates John Lowry in that year undertook the work with carpentry by William Ingram. Apparently the upper story was not finished, and on June 10, 1817, the justices of the quorum contracted with William Watkins and John H. Hickman for casing and panes for the second story windows, repairing the crown molding on the cornice, and roofing the building. The top of the cupola was to be adorned in striking fashion with a “new and neat turned block, dressed off with gold lines and a new speare and Twin blocks dressed off with gilt and crown the whole with a neat gilt Eagle not less than three feet across.” At the county commissioners’ discretion, the eagle was to be made of wood or sheet copper. On January 1, 1818, journalist Anne Royall noted that while Huntsville contained about 260 houses, there were no churches, and the people worshipped in the courthouse. Period newspaper accounts relate the importance of the building as the center of the community for such varied activities as promoting a musical school, establishing a Bible society, and organizing a library. ¹

After Alabama attained statehood in 1819 and throughout the 1820s Huntsville flourished. Perhaps the original building proved too small or the citizenry hoped to make an architectural statement of their prosperity, but a new courthouse was called for. In 1835 the state legislature granted the county commissioners authority to erect a new courthouse and to levy a special tax to the amount of \$12,000 to finance its construction. While the initial rates of taxation are unknown, it is likely they were similar to those for 1839-41:

Ordered that the following be the rates of taxation in said County for the year 1839, being the authority of Acts of the Legislature to raise a revenue for the building of a new Court House and other purposes, to-wit:

On every \$100 worth of land - 10 cents

On every \$100 worth of town property - 10 cents

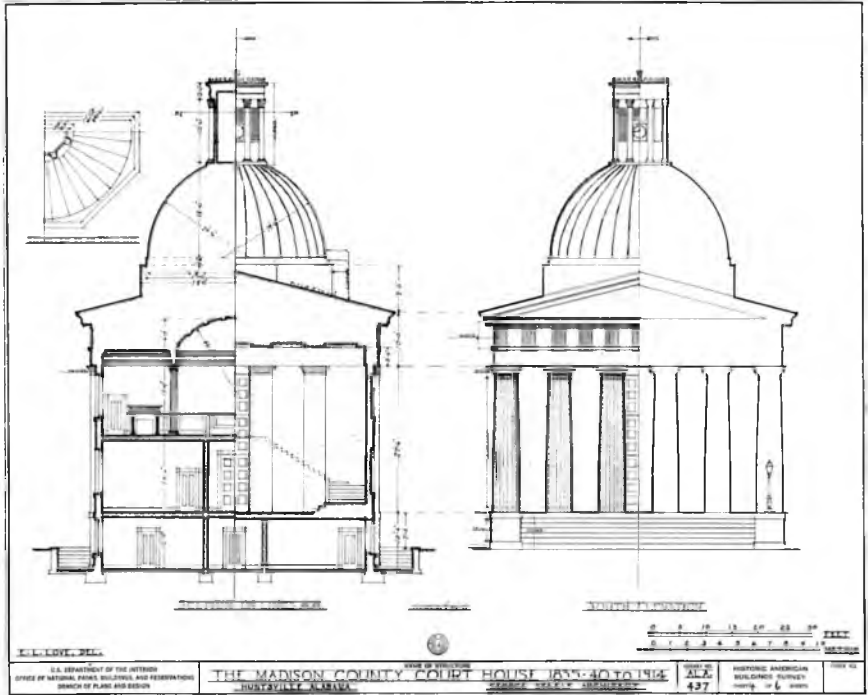
On every \$100 worth of merchandise sold from the first day of May 1838 to the first day of May 1839 - 20 cents

On each slave not exceeding 10 years old - 16 cents

- On each slave over 10 and under 60 years of age - 56 cents
- On each free male negro or mulatto, over the age of 21 years - \$1.00
- On each \$100 worth of pleasure carriages and harness - 50 cents
- On each race saddle or carriage horse - 50 cents
- On each public Race Tract [sic] - \$10.00...
- On each gold watch - \$1.00
- On each silver or other watch - 40 cents
- On each metal clock - \$1.00
- On each clock not metal - 25 cents...
- On each pack of playing cards sold, given away, loaned, or otherwise disposed of - 25 cents...
- On each Billiard Table kept for playing - \$150.00
- On all free white males over the age of 21 and not exceeding 45 years - 25 cents

And on such things as are not herein enumerated and were heretofore objected to state taxation, the amount of the state and said county tax for the year 1835. And it is further ordered that 35% be added to the foregoing taxation for the purpose of defraying in part the building of a Bridge across the Flynt River at the three forks thereof. ²

Later in 1835 the commissioners approved the plans of Huntsville architect George Steele (1798-1855) for a building in the Greek temple form. The following year advertisements for proposals seeking builders were published in the *Huntsville Southern Advocate*, *Florence Gazette*, *Nashville Republican*, and the *Knoxville Register*. According to Steele's plans, "The building will be 112' in length, by 56' in width, 2 stories above the foundation or basement story, to have a Doric Portico of 6 columns at each end and Pilasters at the sides. The basement or foundation to be of hewn stone, and the remainder of brick stuccoed." Dr. Thomas Fearn and James Donegan were appointed commissioners to receive proposals from prospective builders and enter into a contract for its execution. The firm of Wilson and Mitchell was selected, but Steele was responsible for the "superintendence of the building in every respect." ³



Edgar Love's drawing of a cross section and south elevation of the second courthouse was included in the HABS survey of 1935.

The commissioners soon discovered that the \$12,000, borrowed from the Branch of the Bank of the State of Alabama at Huntsville, was insufficient, as cost overruns became the order of the day. Contributing to the funding problem was the 1838 decision to cover the dome, a feature frequently used on public buildings, with copper instead of the cheaper tin originally specified. Steele was paid \$2,000 for his supervision and plans while Wilson and Mitchell received over \$15,500. In 1839 the commissioners contracted with Thomas Rayon for a stone wall with circular corners to enclose the new building within 14 feet of the streets, and for this he was paid about \$4,700. An iron railing to top the wall was installed by C.T.V.R. Parker at a cost of \$4,000.⁴

Completed in 1840, the courthouse served the county well for many years. But with the growth of county government, more space was needed. In 1912 a controversy arose over whether to enlarge the existing building or raze it and erect a modern structure. The *Weekly Mercury* lamented: “It looks as though those who have charge of the old building propose to let it decay and fall to pieces...The prettiest courthouse in the state from an architectural point [is] simply falling to pieces from neglect. No one cares.”⁵ The grand jury, impaneled to study county problems and survey its buildings, took a more direct approach:

The building further is in a very bad state of [disintegration] and will soon become, if not now, dangerous to human life. It is dirty, dingy, and its sanitary conditions and arrangements is [sic] in strict [accord] with every law against health, it is vile. The basement is piled up with every conceivable species of trash and junk together with old records, an urgent invitation to a conflagration. We are sincere when we say that we admit its architectural beauty and that we revere and respect the courage of our fore fathers for erecting what was in their time such a magnificent structure. They were keeping in pace with the time. We should follow their foot steps and keep pace with our time. We are therefore not disrespectful when we say that the present court house has served its purpose well, but is worn out and the time has long since passed that the present structure is wholly unfit for the present day needs and should speedily give way to a modern building up-to-date in every particular. Sentiment and repairs is [sic] a waste of time and money...

If immediate steps are not taken looking to a betterment in the conditions of the court house, we recommend that the solicitor institute impeachment proceedings against the County Commissioners, and to [do so] without unnecessary delay; the time has arrived for action and indifference to the present condition and dilatory tactics should be no longer tolerated.⁶



The third Madison County Courthouse. Photograph by Ernest Smartt, courtesy Huntsville-Madison County Public Library

Even so, public outcry to save the old building convinced the commissioners to remodel, and T.E. Brown of Atlanta, Mr. Edward of Atlanta, R.H. Hunt of Chattanooga, C.K. Colley of Nashville, and Edgar Love of Huntsville submitted plans. The design of Clarence Colley was chosen and Little-Checker Construction Company of Anniston was awarded a \$59,000 contract to tear down the building except the walls and to add two wings. The *Weekly Mercury* reported that timbers removed from the building were yellow poplar beams 50 feet long and hewn out of a solid log. As work progressed the structure proved to be in such weak condition that the commissioners decided to raze the second courthouse and rebuild. Fortunately, Edgar Love's seven drawings and three photographs were included in the HABS survey in 1935. His foresight contributes much to our architectural heritage.⁷

Although Love's design for the third courthouse was not selected, he received numerous commercial and residential commissions to shape the appearance of Huntsville. His more notable extant designs include the Masonic Temple at 409 Lincoln Street (1917); the Milligan building, currently the Madison County Law Library at 205 East Side Square (1913); the Central YMCA, now the law offices of Watson Jimmerson Martin McKinney Graffeo & Helms at 203 Greene Street (1910); and the old Dunnnavants store, now called 100 Washington (1905). He also drew plans for numerous residences including the King bungalow at 531 Franklin Street and the Lee house at 516 Randolph Avenue.

The third courthouse was dedicated with the laying of the cornerstone and its contents by members of the Masonic Lodge in September 1914.⁸ A two-story building with pedimented entrances on all four sides, it was topped with a cupola featuring a four-sided clock. Today this charming building no longer stands. Again space constraints in the 1960s fueled the outcry for a new building. While many preservationists sought to save the old building and relocate county offices, others demanded that public buildings symbolize the "Rocket City" and Huntsville's prominence in the space program. Unfortunately, these modernists held sway, and the current courthouse was dedicated in 1967. Today portions of the massive Doric columns of the third courthouse mark the entrance to the Huntsville Botanical Garden on Bob Wallace Avenue. These stand as a poignant testament to the architectural legacy of the courthouse square.

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Notes

- 1 Sarah Huff Fisk, *Civilization Comes to the Big Spring: Huntsville, Alabama 1823* (Huntsville: Pinhook Publishing Co., 1997), 138-141; Deed Book D, 22-24, Madison County, Alabama; Anne Newport Royall, *Letters From Alabama 1817-1822*, ed. Lucille Griffith (University: University of Alabama Press, 1969), 119.
- 2 *Southern Advocate*, 13 January 1835; Commissioners Court Minutes, 1831-1844, 291, Madison County, Alabama.
- 3 Commissioners Court Minutes, 152; *Southern Advocate*, 15 November 1836; Commissioners Court Minutes, 196, 249, 250, Madison County, Alabama.
- 4 Commissioners Court Minutes, 297, 320, 330, 385, Madison County, Alabama.
- 5 “Many Counties Making Repairs on Court House,” *Weekly Mercury*, 10 July 1912, 8.
- 6 “Full Text of the Recent Grand Jury’s Report,” *Weekly Mercury*, 13 November 1912, 5.
- 7 “Look Over Plans of Architects,” *Weekly Mercury*, 23 April 1913, 7; “Contract Is Awarded,” *Weekly Mercury*, 18 June 1913, 4; “Rapid Work On Old Court House,” *Weekly Mercury*, 30 July 1913, 1; “New Plans of Building,” *Weekly Mercury*, 22 October 1913, 5.
- 8 “Madison County’s Handsome Court House Opened Thursday,” *Weekly Mercury*, 16 September 1914, 6.