



NEWSLETTER OF THE BIRMINGHAM-JEFFERSON HISTORICAL SOCIETY

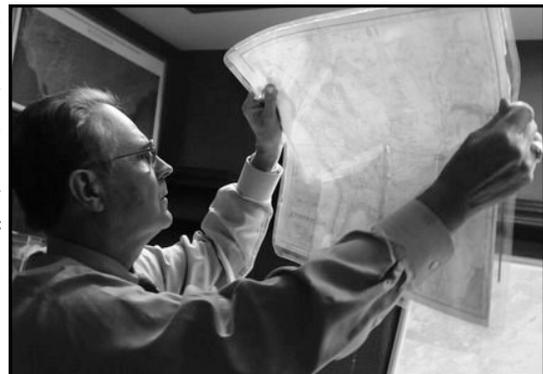
April 8, 2010

George Stewart was born in Birmingham, and graduated from Ensley High School. He received his BA and MA degrees from Samford, majoring in history. He received his MLS (Master of Library Science) degree from Emory University in Atlanta.

He began working for the Birmingham Public Library, as a book shelver, while in high school. In the high school library he met his wife Nancy, when he asked her to be quiet or leave; she left. They have been married since 1964. They have two sons and four grandsons.

Working for the library, he found his life's vocation. He remained with the Birmingham Public Library for 33 years, serving the last 17 as Director of the Birmingham Library System. For another 5 years he served as Executive Director of the Jefferson County Library Cooperative.

For the last ten years, he has served as Executive Director of Library Service Group a non-profit organization that provides various services to library and archive organizations. He is presently working to catalog the book collection of the Alabama Department of Archives and History. A project just begun will catalog, and make publicly accessible, the rich resource of the Birmingham Public Library's historic map collection.



Grand Opening of the Birmingham History Center

The day has finally arrived. On April 29th at noon, the Birmingham History Center (formerly the Birmingham Jefferson History Museum) will open its doors following a brief ceremony. In 2004, the seven original trustees (Leah Rawls Atkins, Tom O. Caldwell, Virginia K. Hopper, Garland Smith, Charles A. Speir, Bayard Tynes and Thomas M. West, Jr.) established the Birmingham Jefferson History Museum as an Alabama non-profit corporation. For several years, the museum operated out of a small office space in Mountain Brook with a part-time staff. In 2009, due primarily to a large grant from the Jernigan Foundation, the museum hired its first full-time executive director, Jerry Desmond. This was accompanied by a move to the Young and Vann Building at 1731 First Avenue North near the center of the historic district in downtown Birmingham. In October of 2009, Studio LaPaglia, of Durham, North Carolina, was hired by the board of trustees to begin the design and construction of the museum exhibits.

The History Center's mission is to educate and entertain the general public by collecting, preserving and presenting the comprehensive history of the Birmingham region. Its exhibits focus on major themes of the region's history from early settlement to present times. Several interactive stations complement the storyline along with original artifacts from the area's history. Many of the photographs from the Center's archives will be exhibited to the public for the first time.

Admission to the museum on opening day will be free. Please join us on this exciting day.

Early Alabama Railroads and the Founding of Birmingham

By
Tom Badham

Research taken from *Alabama Railroads* by Wayne Gline and *The Story of Coal and Iron* by Ethel Armes

Following the first Creek Indian War, a large part of the Alabama Territory was opened for settlement. From 1810 to 1820 the population of the region increased from slightly more than 9,000 to 127,000. By 1830, cotton was the money crop thanks to Daniel Pratt and his cotton gin manufacturing company outside of Montgomery. The great influx of settlers propelled Alabama into statehood in 1819.

While the Tombigbee was year around navigable to Demopolis and the Alabama River navigable to Montgomery, the Tennessee River Valley was blocked by the Muscle Shoals east of Tuscumbia. River travel at the best of times was slow and uncertain. Floods or low water could stop river traffic. The new fangled steamboats had a distressing tendency to have their boilers blow up and then quickly sink or they'd hit a snag and rip their bottoms out. To get the Tennessee River Valley's cotton crop to market, those shoals had to be by passed. A large enough canal and lock system would cost too much and take too many years to build. The low mountains and hills between the Tennessee River Valley and Montgomery effectively cut off the Tennessee River Valley from the rest of Alabama as far as river travel was concerned.

The first railroad in Alabama was built in the Muscle Shoals area with David Hubbard being the driving force behind it. On June 5, 1831 ground was broken for building a two mile track from the Tuscumbia river landing to Tuscumbia. Horses and mules were used to pull wagons loaded with cotton and freight back and forth. It was completed on June 12, 1832. It was found that one horse or mule walking down a gravel path beside the tracks could pull a car containing forty bales of cotton. Everyone involved in the Southern cotton trade began to look to railroads to move their product to the New England mills. In Alabama many of the wealthy cotton planters and their bankers saw the tremendous need for such a transportation system. They also saw the tremendous potential profits that could be made by

investing in railroads. Their raw cotton could be delivered directly to the mill and then the finished product brought directly to market by rail.

The second stage of the Muscle Shoals project was to extend the railroad from Tuscumbia through Leighton and Courtland to Decatur. To do this the Tuscumbia, Courtland & Decatur Railroad was chartered on January 13, 1832 with a capitalization of \$1,000,000. The first section from Tuscumbia to Leighton was opened August 20, 1833. Horses and mules were still the motive power used. A steam locomotive ordered from E. Bury of Liverpool, England, named the *Fulton* by the railroad, did not arrive from New Orleans until June of 1834. On December 15, 1834 the railroad was completed to Decatur. From rough experimental and unreliable beginnings during the 1830's, all the nation's railroads became faster, cheaper, more efficient and more reliable in moving freight and passengers.

In 1850, the Tuscumbia railroad was absorbed by the Memphis & Charleston Railroad which connected the Tennessee Valley to Memphis with its connections to the west and New Orleans and the great seaport of Charleston, South Carolina. The president of the Memphis & Charleston was Sam Tate who later was the contractor for the South and North Railroad. He had the tracks of the Tuscumbia railroad extended from Decatur to Stevenson, Alabama where the Memphis & Charleston entered into Chattanooga.

In 1835 a second Alabama railroad was proposed. The Montgomery Railroad was a narrow gauge road designed to run from Montgomery to West Point Georgia. Before this railroad was conceived, merchandise bound for Montgomery was either shipped by sea around Florida to Mobile then up the rivers or was loaded onto horses and wagons at Charleston or Savannah and freighted through the Creek Indian Nation. Those roads were only rough tracks and the Indians exacted exorbitant tolls. Both ways were very unreliable, slow and expensive.

Construction was delayed by the second Creek War and the financial panic of 1837 with the following business depression. But, a group of dignitaries made the first trip on the first twelve mile section of the Montgomery & West Point Railroad on June 6, 1840. By September of 1847, the line extended to Auburn, Alabama. Construction was completed to West Point, Georgia on April 28, 1851. One of the young engineers surveying the course of the road was John T. Milner whose father, Willis J. Milner, was a railroad materials contractor for the Memphis & Charleston Railroad when it was being built in the 1840's.

While the Montgomery railroad was being built, Georgia rail lines were being built from Atlanta to West Point. Montgomery was now being envisioned as a great railroad hub with another line stretching down to Pensacola, Florida. In November, 1861, after the Civil war started, the first locomotive named the *Pollard* for the company's president, Charles T. Pollard, rolled over the tracks of the first continuous rail line between the Atlantic Ocean and the Gulf of Mexico.

This railroad was called the Montgomery and Florida railroad. One of the men involved with that railroad was wealthy planter and merchant Frank Gilmer who had been aware of the coal and iron ore lands of Red Mountain since 1830. Because of no reliable means of transportation, those lands remained undeveloped. Most of the railroad pioneers in Alabama knew of the huge possible riches slumbering in the ground of Jones Valley. Tremendous coal deposits surrounded a whole mountain of iron ore with deposits of dolomite limestone thrown in to boot. By the 1850's they knew it was possible to build a railroad to develop them.

Native Jefferson County coal, iron ore and limestone had been used by local blacksmiths for making iron on a very small scale since the 1820's. Coal was being mined in the area where Walker, Tuscaloosa and Jefferson Counties came together by the 1820's along the creeks which fed the Black Warrior River. By 1850 Mr. James A. Mudd, a brother of Judge William S. Mudd of Elyton had established a coal yard in Mobile, AL, by floating coal taken from the bed of the Warrior River and floating it down to Mobile during the winter and early spring when the water levels were high enough to float small loaded barges and keel boats.

Before the 1850's the Jefferson County area was still sparsely settled because it was so far from navigable rivers that there would be difficulties in reaching markets like Mobile or Montgomery which were along the rivers of south Alabama. The Black Warrior River, which was not really navigable above the falls of Tuscaloosa, joined the Tombigbee River along the Green-Marengo County line. The Tombigbee then ran south to Mobile with the Alabama River joining it along the way. Those were the main transportation routes for Central and South Alabama. The big loop of the Tennessee River provided the transportation for the northern part of Alabama.

By 1850 a speculative bubble of railroad promotion was growing at a rapid rate all over the United States. The steam locomotive had been perfected enough to make it and the rails it rode upon the prime means of moving freight and passengers in the U.S. The railroads were replacing water, canal and river travel as means of non-ocean transportation. Wagon roads were usually just rough dirt tracks which turned into mud bogs when it rained. Even on a turnpike or corduroy road freight only moved at the pace of a walking mule. A settlement or area without a railroad or river serving it was condemned to complete stagnation. Entire towns were physically moved to a railroad if they were bypassed by it.

Since the railroads, their tracks, their cars and bridges used ever increasing huge amounts of iron and steel as the locomotives got heavier, more powerful and were able to pull more freight per train. Because of the ever increasing weight of the trains and rails, the supporting road work had to be made ever heavier and stronger. The railroads brought growth and wealth, but were very expensive to build and needed the various states' help in getting right of ways and paying construction costs.

But most railroads began making money as soon as they began operation. Also the areas served by them were able to get their crops to market much more easily and thrived. Soon railroads with their ever growing financial power could buy, bribe and in all other ways influence the states' legislatures and governors and the Federal Government bureaucrats and Congress. The railroads could make a politician wealthy overnight or destroy him. Graft, greed and corruption began to run rampant.

In 1853, James W. Sloss obtained a charter for the Tennessee & Alabama Central Railroad which was to run from Decatur to the Tennessee state line where it would connect with southbound lines out of Nashville. Since the distance from Decatur to the state line was relatively short and flat, Sloss not only used his own resources to build the line, he had it in operation by 1860 and was making plans to extend it southward to Montevallo, Alabama, where there were a few small coal mines. The news from the area, though, was that those little mines were dug into a huge high quality bituminous coal field that needed a railroad in order to be developed. For the line being built from Nashville, the state of Tennessee was generously providing \$10,000 for each completed mile towards the Alabama state line.

By the 1860's coal and its purified refined form, coke, was being used to both make iron in blast furnaces and power the steam locomotives. Coal and coke were the energy providers that drove the whole industrial age starting in the Civil War years. Charcoal made from wood was used to fuel blast furnaces before then. It was too expensive to keep up with the gargantuan demand for iron and an ever increasing, never ceasing demand for steel.

Professor Michael Tuomey's two year survey of Alabama mineral fields confirmed what many railroad men already thought. Alabama had the coal and iron to bring a huge boom to the state. Frank Gilmer and John T. Milner formulated a plan to open up the mineral region north of Montgomery. The right of way for their road called the Alabama Central was projected from Montgomery north to Decatur to connect with James W. Sloss's road right through the middle of the state's mineral region.

In 1858, \$10,000 was appropriated by the state of Alabama for John T. Milner to conduct survey for the road's right of way. After several months of hard work, Milner completed the survey. He still had to sell it to the Alabama Legislature which was notoriously suspicious

and tight fist where building railroads were concerned. His printed report about the right of way and the minerals available in the northern Alabama region convinced the Legislature to support the building of the railroad. However all thought of that stopped when Civil War began.

During the Civil War in 1862 Frank Gilmer and John T. Milner went to Richmond, by then the Confederacy's capitol, and convinced Secretary of War Seddon to employ them to construct a railroad from Calera to the foot of Shades Mountain near Red Mountain and establish furnaces and rolling mills there. They joined with Daniel Pratt and other Alabama businessmen to organize the Red Mountain Iron and Coal Company. Daniel Pratt's son-in-law, Henry F. DeBardeleben, who had no experience in blast furnaces or mining, was put in charge of the blast furnace. The Alabama Central name was dropped in favor of South and North Railroad. It was actually a flimsy branch line of the Alabama and Tennessee River Railroad which was the main artery feeding materials to the Confederate arsenal at Selma.

In the winter of 1863 Frank Gilmer opened coal mines at Helena, Alabama. After the war John T. Milner wrote of Gilmer, "He sent thousands of tons of coal all over the South and thousands of tons of Red Mountain pig iron were shot away in shot and shell at Charleston and Mobile." In an ironic twist, the only locomotive to see duty on the South and North Railroad was a little wood burner requisitioned from a Pensacola lumber mill during the evacuation of Pensacola. The little steam engine was named the *Willis J. Milner* for the sawmill's owner, who was John T. Milner's father.

When the Civil War ended, Alabama's railroads were in terrible shape with trestles and bridges burned, rolling stock destroyed or worn out and unsafe roadbeds which desperately needed maintenance and rebuilding. The state government was broke and most commerce was at a standstill.

In desperation at the start of the Reconstruction era, Robert Jemison, president of the North East & South West Alabama Railroad Company turned to the northern capitalists. Jemison needed to finish building his railway line. John C. Stanton represented himself as a legitimate railroad developer, although he actually had little money of his own. The Alabama Reconstruction legislators were more interested in bribes than helping the state, but they voted for the infamous Internal Improvement Act of 1867 which opened the door to the state treasury to such people as John C. Stanton. The state act provided \$12,000 in loan guarantees for each mile of track opened by railroad companies in Alabama.

Stanton and his brother Daniel immediately established themselves as railroad promoters. They came to Alabama and toured both the Wills Valley Railroad and the North East & South West Alabama Railroad. The Wills Valley Railroad which was not in Alabama ran from Chattanooga to Trenton, Georgia. It had emerged from the Civil War relatively unscathed. They had Jemison liquidate the North East & South West Alabama Railroad's debts and transfer the company to them and their associates. They merged the railroad with the Wills Valley Railroad and renamed the railroad the Alabama and Chattanooga Railroad with John C. Stanton as President. Through bribery they got the state act amended so that they could get loan guarantees without actually building any track or having to live in Alabama. They looted the state treasury for as much as they could.

The ex Northeast & South West Railroad basically ran from York, Alabama north east through Tuscaloosa on to Elyton then to Attala, Fort Payne and on to Chattanooga. Stanton wanted to get control of the South and North Railroad and terminate it at Elyton making it only a feeder line from Montgomery. This would allow the Alabama & Chattanooga Railroad to carry all the mineral region's wealth up to Chattanooga's blast furnaces where Stanton had other financial interests. While Elyton would remain a small mining town, Stanton didn't want the industrial center dreamed of by Milner and Gilmer. He wanted that to be Chattanooga.

Teetering on the edge of failure, Alabama railroads consolidated and merged where they could. In 1868 the Mobile & Great Northern merged with the Alabama & Florida Railroad

being renamed the Mobile & Montgomery Railroad. For more than a decade it was on the edge of failure. As had many other planters, merchants and investors across the South, Frank Gilmer was ruined financially when the Civil War ended. However, Gilmer and his group of investors did not give up on their plans to extend the South & North Railroad to Decatur.

On April 12, 1869, the South & North executed a contract with Sam Tate and Associates to complete the line following Milner's route from Montgomery to Decatur. For \$5,014,220 Tate agreed to finish construction from Calera to Elyton by April 1, 1871 and to Decatur by December of 1871. If the North & South could be completed to Decatur, Alabama would finally have a continuous direct route running from the Gulf ports of Mobile and Pensacola to Nashville via James W. Sloss's Nashville & Decatur Railroad. This would be a great benefit to Alabama and the South bringing vastly increased trade and commerce as well as opening up the northern mineral regions.

Later in 1869, Stanton had Gilmer removed as the president of the South & North and replaced by prominent cotton factor John Whiting. Stanton pressured Whiting to cancel most of Tate's contract and terminate the line at Elyton. By this time Milner had been working on the project for a decade. Whiting ordered Milner to turn over all the survey profiles and maps to the Alabama & Chattanooga's Chief Engineer, R. C. McCalla. Then in November Whiting suddenly died while on a trip to Washington in November. He had not made any firm decision to truncate the line at Elyton. A week later the Board of Director's met to elect a new president of the South & North Railroad. To the total surprise of the Board and everyone else in the company, Frank Gilmer unexpectedly arrived with enough stockholders proxies in his hand to again be elected as president of the South & North.

By November 1870, Tate had the sixty-three miles of road to Calera repaired and completed. As the tracks approached Elyton, Milner proposed that he and Stanton acting as agents for their railroads' stockholders form a partnership to buy land near the proposed junction near Village Creek of Stanton's Alabama & Chattanooga and the South & North. Milner needed Stanton's capital to purchase the land. He knew that there would be enough profits from the venture to make it worthwhile to everyone. Milner and Sam Tate had discussed many times how that area would be perfect for a new work shop town. Stanton and Milner procured options on 7,000 acres of Jones Valley farmland.

With the South & North surveying completed to Elyton, Milner began surveying out the street grid for his new town. Then Stanton with the backing of his cronies, the Alabama & Chattanooga stockholders, began buying sixty day options to purchase all the property around Elyton. After securing 4,150 acres, he ordered a change in the Alabama & Chattanooga route to cross the North & South at Elyton and then repudiated his partnership with Milner and the South & North stockholders.

Alburto Martin, a stockholder of the South & North very quietly went to the property owners and collected their deeds in order to make sure that they didn't accidentally disappear or get changed in anyway until the money to exercise the options was deposited in Josiah Morris's bank in Montgomery.

There was no word from Stanton while the sixty days dwindled. Each day Milner surveyed a new and different North & South crossing. That kept the location of the crossing up in the air. At the end of the sixty days there was a three day grace period to exercise those options. At the end of the three day grace period, Jones Valley land owners and Alburto Martin with the deeds in hand gathered at the Morris bank.

Exactly at the moment the grace period expired, Josiah Morris himself sat on the chief cashier's stool and paid out \$100,000 to Alburto Martin. Josiah Morris did this as a personal purchase. That purchased all the 4,150 acres. Morris had acted on behalf of the South & North to quietly raise that capital as a personal favor to Milner.

The Elyton Land Company organized on December 20, 1870. According to Ethel Armes, the twelve incorporators were:

Henry M. Caldwell, 120 shares
Robert N. Greene
James N. Gilmer, 120 shares
Bolling Hall, 120 shares
John A. Milner
Josiah Morris. 437 shares

William S. Mudd, 44 shares
William F. Nabers, 186 shares
James R. Powell, 360 shares
Sam Tate, 360 shares
Campbell Wallace, 120 shares
Benjamin. P. Worthington, 133 shares

(Perhaps R.N. Greene and John A. Milner bought shares later from Josiah Morris shares when he divested 237 shares. All two thousand shares are on the above list.) Capital Stock of two thousand shares at a par value of \$100 a share was issued for a total of \$200,000 in Capital Stock.

It is interesting to note that James R. Powell and Robert Jemison had been in vicious competition years before when they ran competing stage lines through Alabama. The competition had virtually bankrupted both lines and they had to merge their companies in order to survive.

According to the legend, it was Josiah Morris who suggested the name of Birmingham for the new town. But the town to be might remain corn fields. Stanton wasn't finished yet. The South & North needed more money to complete the sixty miles of unfinished road between Blount Springs and Decatur. The S&N also needed funds to pay the interest on \$2,200,000 of state endorsed bonds which had been sold to Russell Sage and Vernon K. Stevenson. They had extensive financial interests in Chattanooga and were allies of Stanton. Stevenson was the president of the Nashville and Chattanooga Railroad.

In April of 1871 when the bonds came due, Sage and Stevenson called an S&N Directors Meeting at the Exchange Hotel in Montgomery and demanded immediate redemption of the bonds with interest. If the demand wasn't met all work on the S&N was to cease and all of its assets were to be handed over to the Nashville & Chattanooga Railroad.

James W. Sloss knew the viability of his short line would be destroyed if the South & North was not completed. He knew the Louisville & Nashville railroad was looking for a route through to the Gulf. Sloss proposed to L&N's General Manager Albert Fink that he would lease his Nashville & Decatur railroad to the L&N if the L&N would rescue the South & North by purchasing the bonds. That would give the L&N a direct route to the Gulf via Montgomery. L&N had the money, since it had made money by serving both sides of the Civil War. After meeting with Sloss, Fink called an L&N Board meeting in which the Directors split evenly three for, three against this proposal.

Immediately after the L&N Board meeting, Fink left for Montgomery to set up a deal with Sage and Stevenson. While there he asked that Gilmer, Milner and Tate accompany him back to Louisville. After hearing Milner's glowing assessment of the mineral district, Fink was completely won over. Fink then had a meeting with L&N's president H. D. Newcomb and arranged to have the S&N delegates meet with the L&N's Board of directors that evening in the Blue Parlor of Louisville's Gault House.

That was the meeting where Sam Tate and the elderly H. D. Newcomb almost came to blows over Tate's sudden and unexpected demand of a \$100,000 bonus for relinquishing his construction contract on the S&N to the L&N. Another Tate bombshell was that he had already negotiated with Stevenson and Sage to deliver the S&N to them. But, he would bargain with the L&N if he could get a better deal. A goodly deal of Kentucky Bourbon was used to calm the roiled waters. Fink then wired Sloss to take the next train to Louisville.

Fink adjourned the meeting. While waiting for Sloss to arrive Milner and Gilmer were pleading with Tate to change his mind and Fink was calming down Newcomb. When Sloss arrived he assured all parties that Davidson County (Nashville), which owned most of the Nashville & Decatur stock would unanimously support the L&N lease. By the next afternoon, Fink persuaded Newcomb to accept the entire proposal except for Tate's bonus, which was reduced to \$75,000.

Final agreements were signed in April and May of 1871 and approved by the L&N shareholders by a four to one margin. Now the South and North was a part of the L&N railroad. L&N's decision was strongly influenced by an exhaustive study compiled by Milton H. Smith who had been the U.S. Military Railroad Transportation Superintendent in Stevenson and then in Huntsville, Alabama. By 1869 he was the general freight agent of the L&N, a most important and influential position.

In June of 1871 the Elyton Land Company started selling lots for a town called Birmingham.

**BOOK REVIEW
EDITORIAL NOTE**

TITLE: LAWYERS IN A NEW SOUTH CITY, A History of the Legal Profession in Birmingham by PAT RUMORE
Association Publishing Co., Birmingham, AL, 2000

REVIEWER: Robert R. Kracke

The following book review authored by your editor, was published in *The Alabama Lawyer*, a publication for all Alabama lawyers back in 2000, when the book was originally published. Your editor thought it would be of interest to you inasmuch as the history of Birmingham is intertwined with the legal profession in Birmingham, and so many BJHS members have family members who were or are legal professionals. Pat Boyd Rumore is the wife of Sam Rumore, both of whom have been extremely active in our organization.

Ms. Rumore has recently published a new book entitled *From Power to Service: The Story of Lawyers in Alabama*, which is a similar publication to the one reviewed herein. This book can be purchased at a cost of \$40.00 from the Alabama Bar Association at the Alabama State Bar, 415 Dexter Avenue, Montgomery, AL 36104.

The book reviewed, *Lawyers in a New South City*, can be purchased from the Birmingham Bar Association, 2021 Second Avenue North, Birmingham, AL 35203 for a cost of \$40.00.

The book being reviewed tells the story of how lawyers contributed to the development of this community and the City of Birmingham. As you can see from the review, lawyers have been at the forefront of not only leading Birmingham into the 20th Century, but into the 21st Century.

It should be mentioned that neither of these publications would have been possible without a significant contribution of Harold Williams, known by most of you as an attorney who is retired from the Alabama Power law firm of Balch & Bingham.

**BOOK REVIEW BY
ROBERT R. KRACKE**

**LAWYERS IN A NEW SOUTH CITY
A History of the Legal Profession in Birmingham**

By PAT BOYD RUMORE
Association Publishing Co., Birmingham, AL, 2000

In the early 1990s this reviewer and Beth Carmichael, Executive Director of the Birmingham Bar Association approached the leadership of the Birmingham Bar Association with a proposal that a history be written of the Birmingham Bar Association with a firm profile section which would finance the undertaking. There was little interest in the project. During the administration of Birmingham Bar President Carol Ann Smith in 1997 the Executive Committee approved the project and a History and Archives Committee was formed, chaired by Sam Rumore, now President-Elect of the Alabama State Bar and Lyman Harris as Co-Chair. In 1998, Sam Rumore chaired the committee and James L. O'Kelley was the co-chair.

In 1999, Harold Williams chaired the committee and David Ward co-chaired the committee. A thoroughly researched, well written, 130 year history of the Birmingham Bar Association covering all aspects of the association before and after its formation numbering 312 pages was the result of that committee's three year effort. The subscription for firm profiles and book sales for which there was previously little interest generated between \$275,000 and \$300,000. Pat Boyd Rumore, an attorney with her husband in the firm of Miglionico and Rumore is primarily responsible for the high quality of authorship and presentation of the story of the membership of this bar association from its beginnings in 1885. Of course, proper credit would not be complete without a mention of the author's husband as stated in the preface to this book: "Finally, I want to acknowledge the contribution of my husband, Sam Rumore, who probably is most responsible for my being asked to write this book (a story too long and involved to tell here). Sam is a wonderful historian in his own right. His lifelong avocation as a historian of Birmingham and Alabama provided the resources that allowed me to include in this history more detail on more subjects than any of us could have imagined when I first accepted the assignment. It was wonderful to mention a possible source to my husband and have him be able to pull it from his personal history collection in our home. It was also wonderful to be able to look to him to help me present this material in an organized and accurate fashion. We have collaborated many times throughout our marriage and this book has been one of the most enjoyable collaborations we have undertaken."

The labors and persistence of Harold Williams as Chairman of the History and Archives Committee were legion. He not only participated in the organization of the material but, along with this reviewer, proof-read every draft of the book. Sam and Harold and this reviewer also met, along with the author, with photographic archivist of the Birmingham Public Library, Don Veasey, who in his capacity as curator of the photographic collections of the Department of Archives and Manuscripts allowed us to sift through hundreds of photographs which have become a significant complement to the text. For instance, the son of one of the pictured lawyers, William H. Brantley, Jr., commented to this reviewer that he had never seen the photograph of his father that appears in this book. This is mentioned here to emphasize the resources that were made available to the committee, the author, and the publisher, John Compton, who was an integral part of the project's completion.

The Birmingham Bar has certainly had some historically colorful characters among its membership. Luther Patrick, an attorney who was also a radio personality on Birmingham's first radio station, became a four term congressman who was truly a maverick and a colorful lawyer. He once composed and filed a complaint for divorce in verse which satisfied all requirements of equity pleading. This book not only features prominent past members of the Birmingham bar and bench but even covers controversial subjects. Bull Connor and his sex scandal trial of 1952 is covered. The Bar's opposition to the Ku Klux Klan in 1922 is detailed. The book contains a "... full text of the minutes of the meetings concerning the Klan as taken from the records of the Birmingham Bar Association." The bar was successful in requiring state and county candidates for office to reveal any affiliation with the Klan. It was a hotly contested issue with a vote taken of 64 members in favor of the proposal and 46 members against it. The quickie divorce scandal which was policed by the bar in the 1970's and stopped is also mentioned. The political schism that took place in one of Alabama's oldest and most prominent firms between Joseph F. Johnston and his brother, Paul Johnston is featured. This reviewer distinctly remembers this matter appearing in *Time* magazine as an item of national interest. Of course, Hugo Black, as a lawyer, a Klan member, a Senator and a judge appears often in these pages. One sidebar recounts the representation by Mr. Black of a murder defendant who was acquitted by a jury wherein the defendant, an irate father of a daughter who married a Puerto Rican killed a Roman Catholic priest who performed the ceremony. Black won the case by knowing which jurors were on the membership rolls of the Ku Klux Klan (a member himself), and by striking the jury to include his prejudiced members and by darkening the courtroom to make the Puerto Rican's skin appear darker than in reality. Also mentioned, on a more positive note, are attorneys who have attained leadership in Alabama's premier corporations, as well

as prominent members of the bench and bar.

There is a section in the book concerning female attorneys who trail blazed gender acceptance including "Miss" Nina Miglionico and Justice Janie Shores. Also, there is proper credit given to Arthur Shores, Oscar Adams, Jr., and Judge U.W. Clemon, with pictures and text, as black attorneys who trail blazed racial acceptance. It also gives recognition to those attorneys who, in years past, took an unpopular position in public affairs and are now revered because of their courageous action. One of these was Oscar W. Underwood, one of the founders of the Birmingham Bar Association, who probably lost his United States Senator ship because of his opposition to the Klan. Another was Sidney Johnston Bowie, a United States Congressman, promoter of the 1901 Alabama Constitution and an advocate against the Klan.

The firm profiles, listed alphabetically in the latter half of the book, tell the story of not only the old established firms but the newer ones as well.

This reviewer has attempted to tell the story in this review of what appeared initially to be an impossible publishing task but which, because of the efforts of so many here unnamed History and Archives Committee members became a realized accomplishment. It is the hope of the Birmingham Bar that its efforts will inspire lawyers in other older cities in Alabama to undertake a history of their bar which, because of their deeper roots than those of Birmingham, could likewise produce a valuable volume of historical permanence chronicling the achievements of attorneys and judges in their area.

To say that this book is a quality publication would be an understatement. It is a volume that should and will serve as a resource for future historians and a reference of historical accuracy. It is a bargain at \$40.00 plus \$8.00 postage and handling and can be ordered from the Birmingham Bar Association at 2021 Second Avenue North, Birmingham, Alabama 35203-3703, (205) 251-8006.

Remembering Charley Speir

By

Thomas M. West, Jr.

Charles A. Speir WWII veteran, football star, Vanderbilt law grad, prominent real estate attorney, builder of Brookwood Hospital, civic standout and many other things, passed away February 28, 2010. But to us he was Charley Speir of the Birmingham Jefferson Historical Society.

Charley served as our president.

Charley Speir also took a great interest in our Birmingham Jefferson History Museum. I had come up with the idea that Birmingham, about the only area of the state without a general history museum, should have one. A statewide survey was taken to see what museums existed around Alabama and I wrote many letters to city and county officials and others to try to promote a museum effort. Charley, as president of the Historical Society saw what I was doing, was interested and I asked him and the Birmingham Jefferson Historical Society to get involved which they both did. Charley later asked me "do you want to be president?" I replied "you're retired so you be president and call me vice-president." "You run things and I will collect the artifacts" and Charley worked it like a real job coming in each day holding down the fort and as they say "the rest is history" thanks to a lot of other people like Bayard Tynes who has done a wonderful job.

During his time at the museum Charley lost a son and his wonderful wife Teeny Shropshire Speir who was his constant companion and the love of his life. Charley told me once "after Teeny's death the history museum work really saved me personally." Through family tragedies and his own numerous hospital stays, always at his Brookwood, I never heard Charley complain ever, not once. He was one of the strongest men I ever knew.

Charley Speir unfortunately left us before the opening of the museum and it is certainly sad that it worked out that way but he will certainly be there, with his Teeny, in spirit. We are glad that we had him for as long as we did. He will certainly be missed.

Museum Artifacts Update

By
Thomas M. West, Jr.
Museum Artifacts Chairman

In 1970 a youngster at Elyton Elementary School named Keith Sides built a Soap Box Derby racer sponsored by 1st National Bank. Keith, now a senior vice president of that bank, subsequently called Regions, has donated his 40 year old racer to the History Museum.

Soap Box Derby racing was big in Birmingham for many years, so big that the city built a regulation tract at George Ward Park on Greensprings.

In 1970, to be a Soap Box Derby racer you had to be 10-14 years old, build your own car and be a boy. Later girls could enter the competition. The winners in various cities all across America traveled to Akron, Ohio where the national champion was determined.

This was a family affair for the Sides' since Keith's father Charles Sides was local Soap Box Derby Commissioner from 1964-1969 and wife and mother Betty Sides probably did most of the work.

I was able to get Keith interested as a museum donor several years ago and the old racer was offered much to the delight of Mrs. Sides who was excited about the prospect of it's removal from their house. However there was just no place to fit it in at our old Office Park space. In late February it was taken to our new facility and you will soon see it displayed in the History Museum.



Giles Edwards, Alabama's Leading Proponent of Coke as Furnace Fuel

By
Jim Bennett

Giles Edwards, builder of the first Alabama blast furnace blown in on coke, was a Welsh immigrant who figured prominently in Birmingham's rise to the top among the nation's great iron and steel centers.

Well educated on advancements in iron making in Europe, he brought many innovations to his American experience beginning work in 1842 as a draftsman at the first iron plant built at Carbondale, Pennsylvania. Edwards later worked in the mills at Scranton, and superintended the Thomas works at Tamaqua and Catasauqua, also in Pennsylvania.

Early on Edwards' expertise drew the attention of iron mogul David Thomas, considered to be "the father of the American anthracite iron industry." Thomas had built the first successful coal-fired furnace at Catasauqua in 1840. Like Edwards, he was born in Wales in the County of Glamorgan, almost in the shadow of the giant ironworks at Dowlais. At one point in the 19th century this place had been the largest iron producer in the world.

In Thomas' employment, Edwards' health began to fail from overwork and after a short stay at the Novelty Ironworks in New York, the company convinced him for health reasons he should move south to Chattanooga, Tennessee where the iron industry was beginning to show promise.

Here the East Tennessee Iron Manufacturing Company had built the Bluff Furnace on the Tennessee River near the Walnut Street Bridge in downtown Chattanooga in 1854-56 as a charcoal furnace. It shut down three years later to be converted to coke, the first southern iron furnace to use the new fuel source. There is speculation the furnace was actually leased to a group of northern iron investors including John Fritz, builder of the furnace and rolling mill at Catasauqua where Edwards was employed. Investors, possibly some hidden ones, were interested to see if quality pig iron could be made from coke using Southern coal.

Under Edwards' direction, along with James Henderson of New York, the Bluff Furnace was converted into the first coke-fired furnace in the Southern Appalachian region in 1859-1860. It featured a number of innovations including a cupola-type iron jacket stack 11 feet in diameter and a modified hot blast stove.

This iron jacket extender, designed to increase production, would later be used at both the Oxmoor and Brierfield Furnaces in Alabama after the Civil War.

Operations at the Bluff Furnace came to a stall following political unrest and a worker's revolt during the election of Abraham Lincoln in 1860. With the experiment deemed a success, the plant closed and Henderson moved back to New York. Edwards moved further south to become assistant superintendent of the Shelby Furnace which was being modernized. As federal troops advanced toward Chattanooga in 1863, the Bluff Furnace plant was dismantled and the machinery shipped to the new Oxford Iron Furnace under construction near present day Anniston. A portion of the blast equipment is also thought to have also made its way to the Shelby Furnace with Edwards.

It was at the Shelby Rolling Mill in 1864 that armor plate for the ironclad *CSS Tennessee* was rolled.

After the war, Edwards also helped rebuild the Brierfield Rolling Mill and put the nearby Bibb Furnaces back into operation for Gen. Josiah Gorgas who had purchased the site as war contraband in June of 1866.

Shortly after, Edwards moved to the Tannehill Furnace site as land agent for the Thomas family whose Pioneer Mining and Manufacturing Co. had bought 2,615 acres in 1868 for its huge iron ore reserves.

En route to Tannehill in 1871, his wife, Salinah, remarked from the train, "On our way to Tannehill we passed through Elyton and saw the site of Birmingham. There were only two section houses for the men starting the railroad—nothing else. But my husband pointed up the long valley. There lies Birmingham, he said...all that's going to be Birmingham some day and he spread his arms out to take in the entire country."

Near the Tannehill Furnaces, Edwards moved into the old "Mansion House", probably where the Tannehill furnace master had lived during the war, and explored new ore fields to open for the Thomas company.

"No man before Giles Edwards," wrote historian Ethel Armes, "learned or demonstrated the significant value of the mineral deposits in just this particular section."

He soon acquired in the Tannehill area certain valuable properties of his own where he began building the Edwards Furnace in Woodstock seven miles distant in 1873, it becoming the first Alabama furnace blown in with coke. The Alice Furnace in Birmingham was also blown in on coke later the same year.

Coke had been used experimentally in charcoal furnaces during the war years and Shelby had used raw coal. In 1864, the first successful coke iron was actually made at the Irondale Furnace during an experiment sanctioned by the C.S. Nitre Bureau. Although successful, the test did not persuade Alabama iron makers to abandon charcoal until after the war was over.

Edwards, perhaps more than most, understood the value of coke as a replacement for charcoal as fuel in the southern iron industry. Beginning in Wales and later in Pennsylvania and Tennessee, he knew it made little sense to decimate hundreds of acres of forest when tons of coal were under their feet.

At his new Woodstock furnace, Edwards built a water elevator to bring raw materials to the top for charging. The blowing engine was the same one used at the old Irondale plant, the flywheel of which weighed 36 tons and was rated at 150 hp. No doubt, many spare parts were also picked up at the burnt-out Tannehill site, just a few hundred yards from his residence.

Brown ore mined near the site also was shipped to the rebuilt Oxmoor plant where it was mixed with Red Mountain iron ore. Edwards built an ore washer and a tramway to the

Alabama & Chattanooga Railroad (later the Alabama Great Southern), a distance of one-fourth mile to expedite delivery.

The Edwards Furnace, hit with economic downturns and expansions, was remodeled several times. Shareholders included Henry F. DeBardeleben, builder of several furnaces in Bessemer. Before closing in 1890, Edwards Furnace could produce 30,000 tons of pig iron per day.

Edwards and his family lived a short distance from the furnace and jonquils still bloom each year at the home site behind what may be the largest oak tree in Bibb County. His two daughters were married at the family home in a double ceremony in 1899. Lydia married James W. McQueen, who would later become vice president of Sloss-Sheffield Steel and Iron Co. and Gertrude married D. W. Pickens.

Interestingly, during one of the down times, Edwards is engaged at the Oxmoor Furnace in 1883 where a recent fire had closed the plant. Here he rebuilds the facility for the Eureka Company. It was at this site that the famed "Eureka Experiment" in 1876 proved once and for all that coke made from Alabama coal could successfully be used in the manufacture of pig iron.

Said DeBardeleben, founder of Bessemer and a former manager of the Oxmoor Furnace, "Giles Edwards was a conceiver of big projects. He was one of the first men in the state to see the big possibilities ahead and to cast his lines and work accordingly. He was well informed on coke, coal and iron. He was a practical geologist and a scholar, had one of the best libraries in the state. He was a good draftsman besides, a first rate one and an excellent citizen, none better."

Edwards died in 1892 while still living at his Woodstock residence at age 68. He is buried in Oak Hill Cemetery in Birmingham in the McQueen plot next to his wife who helped him build the Edwards Furnace. The transition from charcoal to coke in Alabama was complete.

In March of 1862, noted Welsh iron-master Giles Edwards came to Shelby Iron. Born in Glamorganshire, South Wales, September 26, 1824, Edwards had, by about 1842, made his way to Carbondale, Pennsylvania, near the head of the Lackawanna River. There, he superintended pattern making at the first iron mill in that town. Edwards later worked with mills at Scranton, and superintended the Thomas works at Tamaqua, Pa. From Pennsylvania, Edwards moved south to Tennessee, where he supervised the rebuilding of the Bluff furnace at Chattanooga.

Following this reconstruction, Judge John Lapsley of Selma, a new shareholder at Shelby, requested Edwards to superintend the reconstruction and expansion of the Shelby works.



Edwards Furnace



Coke Oven

The History of the Bessemer Coal, Iron and Land Company From 1886 to 1948

By
Henry Lee Badham, Jr.

(Continued from the January 2010 edition of the Newsletter)

Part IV

Mr. Henry F. DeBardeleben, President April 3, 1890 – April 7, 1892

When Mr. DeBardeleben resumed the Presidency his plans for Bessemer were of a grand and bold nature. His greatest dream and desire was to bridge the gap between making pig iron and steel. He was convinced if no one else could be induced to put a steel plant in Bessemer, the Company should. He had, also, plans to build a railroad car works to produce 25 cars a day to cost \$600,000. He wanted the Company to take \$400,000 of the car works 6% first mortgage bonds at par; he would raise the balance. It was the sense of the board to give 50 acres of land and 3,000 shares of stock to this enterprise which never materialized.

One of his plans, which has helped Bessemer tremendously, did materialize. He succeeded in locating a large cast iron pipe company in Bessemer, the U.S. Cast Iron Pipe and Foundry Company. The Bessemer Company agreed to give and did give Messrs. Thomas Howard and John W. Harrison of St. Louis, \$96,000 and 80 acres of land upon the completion of a pipe works producing 200 tons of pipe a day. There was one unfortunate circumstance in connection with this. The site chosen for the pipe works was a cemetery donated by the Company to the city. A new cemetery site was given and the Company agreed to move the bodies from the old site to Cedar Hill. For years afterwards the Company was plagued with damage suits for missing bodies.

Mr. DeBardeleben completed, also, a contract with A. I. Dexter and F. H. West to give them blocks 386 and 408 for a soil pipe plant and plumbers supply. A deed was to be given when production reached 25 tons a day. This is the same Mr. Dexter who finally became a member of our Board, and whose family has been represented on our Board ever since. These two blocks afterwards became the site of the Central Foundry Company, which was finally dismantled.

Mr. DeBardeleben served as President until April 7, 1892. The depression of the early '90's was beginning to set in at this time. He told the Board he had too much else to look after. He could not serve the Company for less than \$10,000 a year. After much discussion, Mr. David Roberts was elected President at a salary of \$41.67 a month. Mr. DeBardeleben remained on the board.

Part V

Mr. David Roberts, President – April 7, 1892 to May 31, 1894

Mr. Roberts in his report after his first year of service, April 6, 1893, stated that the Company had acquired through foreclosure real estate and improvements to the value of \$95,000. He went on to say, "In these annoying times of depression when almost every firm, establishment or corporation throughout the manufacturing South is harassed by debts, bonds, mortgages and heavy expense, this Company, through its conservative directing, has never yet known the pressing need for money and has always avoided such obligations as might embarrass them." By August 18, 1893, the depression was such that the President said it would be impractical to force collections on any of our loan notes and under the circumstances no action was advisable at present.

Mr. Roberts served as President during the panic years until May 31, 1894, and ended with more cash than he started with, \$14,390, as compared with \$5,393.01.

As it seemed at this time the depression was passing, Mr. DeBardeleben began pressing for the Company to expand, to push more vigorously the development of Bessemer. After he had made known what he wanted done, Mr. Roberts nominated Mr. DeBardeleben for President. He was elected for the third time to serve in that capacity.

This issue's featured historical markers.....

Birmingham Waters Works Company (1887)

The Elyton Land Company, which founded the City of Birmingham in 1871, established a subsidiary, the Birmingham Water Works Company in 1887. Dr. Henry M. Caldwell, President of the Elyton Land Company, contracted with Judge A. O. Lane, mayor of Birmingham, to furnish the new city with not less than five million gallons of water a day. Without water Birmingham could not have grown into the city that the founders had envisioned.

(Erected by the Birmingham Water Works and the Birmingham-Jefferson Historical Society—Side 2)

Cahaba Pumping Station (1890)

This facility was initially completed under the supervision of W. A. Merkel at a cost of \$500,000. The remote area lacked roads, and machinery had to be pulled nine miles over both Red Mountain and Shades Mountain by a yoke of six oxen. Coal to power the steam pumps was mined on site, and brick for the buildings was fired at the site. Employee housing formally existed on what is now Cahaba Heights Road. In the mid 1950's, the boilers were converted from coal to natural gas and then to electricity in 1964. This facility became the nucleus for the New Merkel Community which is now know as Cahaba Heights.

(Erected by the Birmingham Water Works and the Birmingham-Jefferson Historical Society)

Mountain Brook

In 1821 the first settlers came to this area, later called Waddell. Large numbers of people first immigrated here in 1863 with the construction of the Irondale Furnace. Destroyed in the Civil War, the furnace was rebuilt and operated from 1867 to 1873. The first school was established in 1857 and the first church in 1867. The area later became known for its many dairies. In 1926, Robert Jemison, Jr. began development of modern-day Mountain Brook, which became one of the most beautiful residential cities in America. The city, incorporated in 1942 with Charles F. Zukoski, Jr. as its first mayor, now encompasses 12 square miles.

(Erected by the City of Mountain Brook and the Birmingham-Jefferson Historical Society 1997)