



# The JOURNAL of the Birmingham Historical Society

VOLUME V, NUMBER 1

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# **BIRMINGHAM REMEMBERED: THE EARLY YEARS**



## TABLE OF CONTENTS

Foreword	Page 4
The Autobiography of Willis Julian Milner. Edited and annotated by Lyn Johns	Page 5
On Keeping Track of Our History. By Marvin Y. Whiting and Mary Bess Kirksey	Page 28
Historical Markers Erected by the Bir- mingham Historical Society. Compiled by Henry DeLeon Southerland, Jr.	Page 34
Roster of Members, Birmingham Historical Society.	Page 35

### COVER DESIGN

The charcoal drawing which appears on the cover of this issue of The JOURNAL of the Birmingham Historical Society is the work of Birmingham artist Ronald Webster. A limited number of original prints of the drawing, which is a view of Twentieth Street, North from its intersection with First Avenue, North in the year 1887, will be available from The JOURNAL office at a cost of \$25.00 each.

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## FOREWORD

After more than thirteen years of dormancy, *The Journal* of the Birmingham Historical Society is being reactivated. The publication of this issue marks not only the continued revitalization of the Birmingham Historical Society, which for a decade or more remained inactive, but also a substantial resurgence of interest in the history of Birmingham and its environs, in a scholarly analysis and interpretation of that history, and in the collection and preservation of the primary source materials from which such an analysis and interpretation must derive.

In reactivating *The Journal*, the Birmingham Historical Society was fortunate to receive a grant from the Linn Henley Charitable Trust. Funds from this grant have been expended to underwrite the costs of this issue.

On the occasion of the reappearance of a publication long dormant, the temptation to dwell upon the past is a difficult one to avoid, so difficult in fact that the Editorial Advisory Board has found it unavoidable. *The Journal's* focus, however, is not to be upon its own past or that of the Society which has been and is now its sponsor. Rather, this and subsequent issues will concentrate upon the past of the Birmingham metropolitan area: the City of Birmingham, other municipalities in the area, and Jefferson County.

The four issues in Volume V of *The Journal*—January and June, 1977, and January and June, 1978—will be devoted to the theme “Birmingham Remembered: The Early Years”. In subsequent volumes, the theme “Birmingham Remembered” will be expanded both topically and chronologically to encompass significant developments in the area’s economy, politics, and social and cultural life during the years following the decade of the 1870’s: the rapid industrialization of the Birmingham district during the 1880’s, the struggle for woman’s suffrage in the second decade of the twentieth century, the experiment with prohibition in the 1920’s, the agonies of a depressed society in the 1930’s, the coming of the suburbs during the years between 1910 and 1950, the creation of a major medical center and urban university around the mid-century, the racial strife and change in city government which dominated the history of the area in the early 1960’s, and a host of other aspects of the development of city, suburbs, and county.

One regular feature of each issue will be the article, “On Keeping Track of Our History”. This feature will concentrate upon manuscript/archival materials currently available to researchers in the history of the metropolitan Birmingham area and on recently published works, both books and articles, of interest to the historically-minded.

The Editorial Advisory Board solicits reader interest in and support of *The Journal*. Suggestions for material to be included in future issues are welcomed and should be addressed to the Editor, *The Journal* of the Birmingham Historical Society, 2020 Seventh Avenue, North, Birmingham, Alabama 35203.

January, 1977

The Editorial Advisory Board  
The JOURNAL of the Birmingham  
Historical Society.



# THE AUTOBIOGRAPHY OF WILLIS JULIAN MILNER

EDITED AND ANNOTATED BY LYN JOHNS

I was born in Barnesville, Georgia, May 3rd, 1842. My education was begun at the primary schools at Barnesville, and at Milner where my father was living at the time of my first recollection, and which city was named for him. My father was one of the pioneer railroad builders of Georgia, and in the prosecution of this business he removed with his family to Alabama and thence to Florida near Pensacola, he and associates having taken a contract to build that portion of what is now the L & N Railroad within the State of Florida.<sup>2</sup>

While living here I attended a preparatory school at Belleville in Connecuh County, Alabama, it being a little more than a day's journey from our Florida home, "Roseland." From this school I entered the Sophomore Class at Mercer University at Penfield, Ga., on October 1st, 1859. My training at the Belleville Academy under Prof. George M. Dews, himself a graduate of Mercer University, enabled me to enter the Sophomore Class with ease, and take a good stand in my class, which was a large one.

Before I graduated however, the War between the States ensued and I enlisted early in August 1861 as a private in Company A (better known as the Clinch Rifles), 5th Georgia Regiment, then stationed at Pensacola.<sup>3</sup> I served in this regiment

as a private for about seventeen months, during which time I had tramped with Bragg through Kentucky, and participated in several battles and had been wounded in the battle of Murfreesboro.

I was then, at the suggestion of Col. Black of the 5th Georgia Regiment, transferred to the 33rd Alabama Regiment. Col. Black had advised me to this step because he said my services would be of greater value to the country in the capacity of officer than as a private, and that the chances for promotion were very much less in an old regiment like the 5th Georgia than they would be in one more recently organized.

The 33rd Alabama Regiment was then attached to Wood's Brigade of Cleburne's Division, Army of Tennessee. Soon after my transfer I was, after

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<sup>1</sup>"The Autobiography of Willis Julian Milner" is reproduced from the original document in the Department of Archives and Manuscripts, Birmingham Public Library. If indeed the large reservoir on the Cahaba was twenty-five years old when Mr. Milner wrote his autobiography, then it was written around 1915. It is published without substantial changes in spelling or grammar, but with some changes in punctuation to suit modern tastes.

Other accounts of his life may be found in John Witherspoon DuBose, *Jefferson County and Birmingham, Alabama, Historical and Biographical* (Birmingham, Ala.: Teeple and Smith, Publishers, 1887), pp. 174-9 and 185; and in Dorothea Orr Warren, *The Practical Dreamer* (Birmingham, Ala.: Commercial Printing Company, 1959), pp. 65-9 and 243-6.

Willis Julian Milner (born May 3, 1842 in Barnesville, Georgia) was the son of Mary Ann (Turner) and Willis Joshua Milner, and half-brother to John T. and Benjamin Charles Milner. The family moved to Greenville in 1853, but stayed only long enough for a grading contract on the railroad to run out before they moved to Pensacola. Milner returned to Greenville much later when his sister Elizabeth married Henry M. Caldwell and made her home there. Here he married Gustrine Caroline Key of Lowndes County (born October 27, 1847 in Sandy Ridge, Alabama) on October 9, 1861. Their children, Henry Key and Mary Clare, made their homes in Birmingham. Milner died February 17, 1921 in Tampa, Florida; his wife died March 11, 1929. Both are buried in Oak Hill Cemetery, Birmingham.

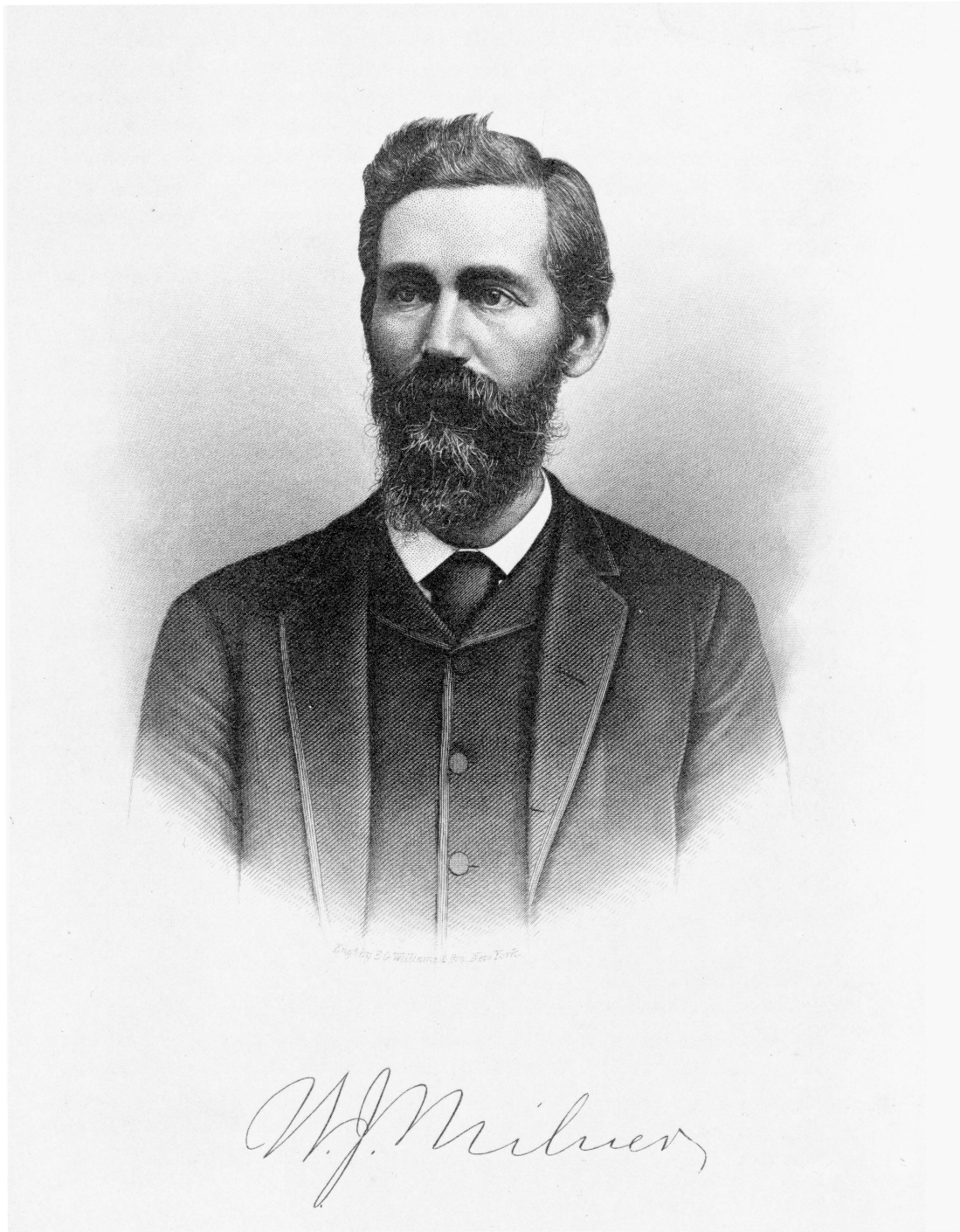
Mr. Milner's move to Birmingham was simultaneous with the initial development of the Elyton Land Company's enterprises in the area of the new City of Birmingham. In July of 1871, he became Secretary of the Company. He subsequently served as Secretary and Treasurer, as General Manager, and in a number of other capacities with Elyton Land Company-related businesses. As a civil engineer he was a participant in many of the new city's early projects. Not only was he prime instigator, but first superintendent of the Birmingham Water Works.

He also managed a major street railway system and handled affairs of his own, including real estate and a venture into the manufacturing of iron and brass. Milner was a communicant of the Church of the Advent in Birmingham and a Mason in high standing.

<sup>2</sup>Major Milner was the youngest of six children of Willis Joshua Milner. In Georgia the elder Mr. Milner had been both gold miner and railroad contractor; in Alabama (Butler County) his many enterprises included surveying land, operating a mill, railroading, and an early interest in the undeveloped lands of Jefferson County. He died in Bulter County in 1864. Mrs. Milner died in Birmingham in 1879. See Warren, *Practical Dreamer*, 46-69.

<sup>3</sup>Milner was evidently a first lieutenant in a company stationed in Escambia County, Florida before he resigned his commission to go "with the action" as a private. See DuBose, *Jefferson County*, 177.





Willis Julian Milner

An engraving done by E. G. Williams and Brother, New York, N.Y. and included in John Witherspoon Dubose, *Jefferson County and Birmingham, Alabama, Historical and Biographical* (Birmingham, Ala.: Teeple and Smith, Publishers, 1887).

rigid examination as to my qualifications, appointed First Lieutenant,<sup>4</sup> and placed in command of Company K, whose Captain was absent on some permanent detail, where he continued until the close of the war. I was in command of the company at the Battle of Chicamauga [*sic*] in which I was wounded. While I was absent convalescing, I was offered and accepted the position of Adjutant of the regiment made vacant by the death of Adjutant Andrew M. Moore, a brother of our townsman Sydenham Moore, killed at Chicamauga [*sic*]. My duties as Adjutant began soon as I was sufficiently recovered to assume them, which was October 1st, 1863.

I served as Adjutant about nine months, during which time the regiment was engaged in the battles of Missionary Ridge, Ringgold Gap, and all the battles and marches of the campaign between Johnston and Sherman from Dalton, May 5th, 1864, down to the Chattahoochee River, about July 5th. General Wood having resigned, was succeeded in command of the Brigade by Brigade [*sic*] General M. P. Lowrey, formerly Colonel of the 5th Mississippi Regiment.<sup>5</sup>

My acquaintance with General Lowrey was only of an official character, and I was greatly astonished to receive an invitation to be an aide-de-camp on his staff, with increased rank. I accepted the appointment and was ordered to report for duty immediately. Col. Adams expressed regret at losing me, but of course made no objection when advised of my transfer. A few days after this Col. Adams was killed in front of Atlanta.

My new duties placed me in close personal relation with one [Gen. Lowrey] whom the gallant Gen. "Pat" Cleburne had called "the bravest man in the army," a man whose personal character I learned to greatly admire, and whose memory I cherish, and with whom to have been so intimately associated at such a time, I regard as one of the greatest honors that has come to me. He being so slightly acquainted with me I wondered how he

came to select me for a position of such intimate personal contact. Some time later he told me that it was my examination before the Board of Examiners, of which he was President, before my appointment as First Lieutenant.

Soon after my appointment on the staff, the position of Brigade Inspector General became vacant by the resignation of Captain Percy Walker, the former incumbent. I was immediately assigned to these duties and continued to discharge them until the battle of Franklin in which battle the Adj. Gen., Capt. O. S. Palmer, was mortally wounded. His duties then devolved upon me, and I continued to discharge them until the reorganization of the Army of Tennessee, by order of Gen. Johnston in North Carolina not very long before his surrender of the Army to Sherman.

In this reorganization, skeleton regiments were consolidated and surplus officers permitted to resign—those regarded as being most efficient being retained. In this shake-up the 17th and 33rd Alabama Regiments were consolidated, and I, though being out of line for promotion because I was a staff officer, was made Major of the consolidated regiment.<sup>6</sup> At the time, I happened to be absent on a short leave and I was astonished upon my return to discover that I had been made Major. I have always appreciated very highly this selection and promotion of myself, made under the circumstances, as it was unmistakable evidence of my standing and reputation among my comrades.

The glorious old Division had now passed out of existence as an organization. Its commander, the beloved Cleburne, had fallen at Franklin and with him the brave Granbury. Govan was taken prisoner a few days later at Nashville, and Gen. Lowrey, the only remaining general officer in the division had resigned some time previously to return to his pastoral duties (he was a preacher) in Mississippi, saying that his distressed and suf-

<sup>4</sup>According to company muster roll, he was made First Lieutenant on April 30, 1863. *Microfilm Records of Alabama Soldiers in the War between the States*, Roll No. 354, 33rd Infantry. Tutwiler Collection of Southern History and Literature, Birmingham Public Library.

<sup>5</sup>"His executive ability attracted attention, and he was again promoted to the staff of Lowrey's brigade of Cleburne's division, the most famous in the army of Tennessee." DuBose, *Jefferson County*, 178. Cleburne's Division was thanked by resolution of the Confederate Congress for saving Bragg's army from annihilation at Missionary Ridge.

<sup>6</sup>Cleburne was killed at Franklin, Tennessee, as was Palmer. DuBose says that at this juncture the 16th and 33rd Alabama regiments were consolidated, and that Captain Milner was elected Major of the new force. DuBose, *Jefferson County*, 178. The 17th was not one of those absorbed by the 33rd. Clement A. Evans, ed., *Confederate Military History* (Atlanta, Ga.: Confederate Publishing Company, 1899), p. 161. In fact, the 33rd absorbed several regiments: the 18th early in the war, and by April 9, 1865, the 16th, the 33rd, and the 45th were amalgamated. *Ibid.*, 164. At the time of Confederate surrender, both the colonel and the lieutenant colonel had been either captured or killed, and Major Milner was in charge of the regiment. He was paroled "with the remnant of his command . . . not to fight against the Union until duly exchanged." DuBose, *Jefferson County*, 178.



fering people there needed him more than the government did, notwithstanding the tender by the Secretary of War, General Breckenridge, of a Major General's commission.

When the army was surrendered I was ordered to take command of what remained of the old 33rd Alabama Regiment. Thus the sad duty devolved upon me to give to this tattered and brave old remnant the last order to "Stack arms" and "Break ranks."

This ended my career as a soldier. I had participated in all the campaigns and battles in which my command was engaged, and had been wounded three times.

I returned to the home of my mother who was then living at Greenville, Alabama, where my father had died March 15th, 1864.

Here I began life as a citizen, having attained my majority while a soldier. It would be difficult to describe conditions confronting Confederate soldiers upon their return to their homes—many of them devastated and in ruins. I was much more fortunate than many others, and had much to be thankful for.<sup>7</sup>

I had had no opportunity for a professional or business training by which I could earn a living. I had however while at school wasted no time, but had given my best effort to improve each opportunity. I had given special attention to civil engineering, although my studies were interrupted by the war. But there was now no prospect of employment along that line. Furthermore my capital was limited to fifty dollars, proceeds from the sale of a mule and my interest in a wagon issued to me at the surrender of the army in North Carolina. I therefore went into the drug business with my brother-in-law Dr. H. M. Caldwell, who furnished most of the money, while I did most of the work. I also learned to keep books—in which I became expert. My knowledge of Latin helped me in the drug business, as the doctor's prescriptions were always written in that language. Thus I found plenty of work to do, and the confidence others had in me became my stock in trade.



Henry Martin Caldwell

An engraving done by E. G. Williams and Brother, New York, N.Y. and included in John Witherspoon DuBose, *Jefferson County and Birmingham, Alabama, Historical and Biographical* (Birmingham, Ala.: Teeple and Smith, Publishers, 1887).

On October 19th, 1865 I was married to Miss Gustrine Caroline Key, only child of Dr. and Mrs. James F. Key, Mrs. Key being at that time a widow.

In July, 1869 I was engaged to survey certain lands situated in Jefferson and Shelby counties which had been entered as homesteads by persons living in Butler and Montgomery counties, and for this purpose I obtained leave of absence from my employers. It was necessary for me to go to Elyton to begin my work. From Greenville to Elyton at that time the only public conveyance was from Greenville to Montgomery by rail, thence by boat to Selma, and then again by rail to Montevallo from which point a hack ran every other day, carrying the mail and such occasional passengers as wished to go.<sup>8</sup>

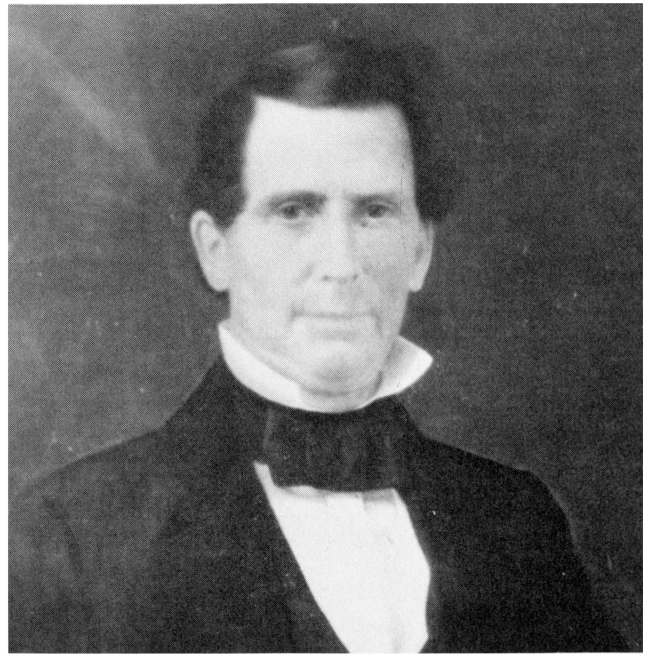
<sup>7</sup>Major Milner was, in fact, penniless when he found his way to his brother-in-law's home. His sister was the wife of Dr. Henry M. Caldwell, who at the time was a paroled Confederate surgeon operating a drugstore in Greenville, Alabama, and was the same Dr. Caldwell who was later to become President of the Elyton Land Company. *Ibid.*, 178.

<sup>8</sup>At this time (1869) construction has just been resumed on the South and North Alabama Railroad which was to reach from Montgomery to Decatur and cross the Alabama and Chattanooga Railroad at or near the town of Elyton in Jefferson County. The decision as to the juncture of the two lines marked the beginning of the great railroad controversy between John T. Milner and John C. Stanton which had as its outcome the location of Birmingham on its present site. Warren, *Practical Dreamer*, 153-68. A copy of Milner's published survey for the South and North Alabama Railroad (known at the time of the publication of the survey as the Alabama Central Railroad) is in the Tutwiler Collection of Southern History and Literature, Birmingham Public Library. John T. Milner, *Report to the Governor of Alabama on the Alabama Central Railroad* (Montgomery, Ala.: Advertiser Book and Job Steam Press, 1859).

Mrs. Milner accompanied me on the trip. The last part of the trip, that over the mountains from Montevallo to Elyton was greatly enjoyed. In the hack with us was Mr. P. H. Earle, then a young man returning from Texas to his home in Elyton.<sup>9</sup>

We were fortunate enough to secure board for Mrs. Milner and myself at the residence of Dr. Joseph R. Smith, where Mrs. Milner had pleasant company while I was away at work.<sup>10</sup> I had letters of introduction to a number of the old and prominent citizens, who have long since passed away. Among those whose acquaintance I made at that time I recall the names of Judge William S. Mudd, Col. Alburto Martin, Col. William S. Earnest, Mr. Baylis E. Grace, Judge Joab Bagley, Col. M. T. Porter, Dr. Joseph R. Smith, Dr. Samuel L. Earle, Dr. Deason, Mr. William Alfred Walker, Judge John C. Morrow, Dr. Mortimer Jordan, and others.<sup>11</sup> In later years it became my pleasure to enjoy a close intimacy and warm friendship with most of those named, and also with many others of the older citizens.

In 1871 I obtained employment on the engineering force of the South and North Alabama R.R. Co. whose road was then under construction. I was assigned as assistant to Frank L. Wadsworth, the Division Engineer in charge of that portion of the work adjacent to where Birmingham now is. We were as a matter of courtesy given office room (that is desk room) in the office of the old historic Elyton Land Company,<sup>12</sup> whose officers had obtained the use of a two-room section house of the Alabama & Chattanooga R.R. Co. whose track laying had by that time been extended some distance below Elyton; that is, rails had been laid but no trains were in operation. The Elyton Land Company officers were using one room of this section house, situated near where Crane Co.'s building stands, as an office and the other room for sleeping quarters.<sup>13</sup>



James Robert Powell

A photograph from the collections of the Birmingham Public Library.

This situation brought me into contact with Col. James R. Powell, the first President of the Elyton Land Company, who was then directing the surveying of the lands on which was to be built the great city, which he had christened Birmingham in honor of the city of that name in England.<sup>14</sup>

If I am not mistaken the Elyton Land Company was the first land company ever incorporated under the laws of the State of Alabama.<sup>15</sup> I may further add that the recent death of Mr. William F. Nabers, who owned the beautiful farm centering about where the L. & N. Passenger Station stands, and who was one of the directors of the company, leaves me the only survivor of the founders of Birmingham, which city has the dis-

<sup>9</sup>Paul H. Earle was a member of one of several families of early Elyton settlers. His biography can be found in DuBose, *Jefferson County*, 483.

<sup>10</sup>See DuBose, *Jefferson County*, 378-80 for a rather detailed biographical sketch of Joseph R. Smith.

<sup>11</sup>Milner's acquaintances were a virtual Who's Who of Elyton and west Jefferson County. See "Index to Biographies," *Ibid.*, xiii-xvi for references to biographical sketches.

<sup>12</sup>The name "Elyton Land Company" goes back to a young Federal land agent named Ely, sent from Connecticut to Jefferson County in the early 1800's. It was his donation of 160 acres for a county seat which prompted the inhabitants to name the village for him in gratitude. *Ibid.*, 483. The name "Elyton Land Company" was chosen by the company's organizers as a reflection of their purpose: "the object for which it [the Company] is formed is, the buying lands, and selling lots with a view to the location, laying off, and effecting the building of a city at or near the Town of Elyton. . . ."

<sup>13</sup>In 1915 the Crane Company's building stood at 2-8 Twentieth Street, South.

<sup>14</sup>For a relatively complete and accurate account of the life of James R. Powell, see Mary Powell Crane, *The Life of James R. Powell and Early History of Alabama and Birmingham* (Brooklyn, N.Y.: Braunworth & Company, Inc., 1930).

<sup>15</sup>Present evidence in no way contradicts this statement, but Milner's claim cannot positively be confirmed.



tion of having been founded pursuant to a definite plan and purpose, the founders being the stockholders and officers of the old company.<sup>16</sup>

Possessing, as I do, information from personal knowledge and from access to trustworthy records as to the organization of this company, I think it will not be out of place here for me to give some facts along this line that may not be generally known.

Prior to 1860 the public knew little of Alabama's mineral resources. Dr. Tuomey [*sic*], Alabama's great geologist,<sup>17</sup> who published in 1849 [*sic*] his first report on the subject, knew more than any one else, and a few other intelligent men,



John Turner Milner

An engraving done by E. G. Williams and Brother, New York, N.Y. and included in John Witherspoon DuBose, *Jefferson County and Birmingham, Alabama, Historical and Biographical* (Birmingham, Ala.: Teeple and Smith, Publishers, 1887).

conspicuous among whom was John T. Milner, were more or less informed upon the matter. The latter had in 1858 been appointed by Gov. A. B. Moore, to make a survey for a railroad to connect the navigable waters of the Alabama and the Tennessee Rivers, so located as to develop the mineral resources of the state. This duty made it incumbent upon him to give much study to the subject. The final result of these preliminary surveys is the South & North Alabama R.R., a link in the great L. & N. R.R. System.<sup>18</sup>

It was, I think, in 1860 that another survey was made under the direction of R. E. Rodes,<sup>19</sup> then a distinguished civil engineer, but who later gained greater distinction as the commander in the Confederate army of a division of Alabamians. This survey was of a railroad from Chattanooga to Meridian, incorporated as the North East and South West R.R. It passed near the old town of Elyton, county seat of Jefferson County.

The War between the States put an end to work on both these lines, except on a few miles of that portion of the first named road from Calera (then called Limekiln) northward, [which was continued] in order to reach a supply of coal and iron for use of a cannon foundry established at Selma by the Confederate government.

A few years after the war, work on both these enterprises was resumed. The name of the N.E. and S.W. road was changed to Alabama & Chattanooga R.R. Co. and it was headed by John C. Stanton of Boston.<sup>20</sup> John T. Milner was chief engineer of the S. & N. R.R. and was charged with the responsibility of its location.

While work was in progress on both lines and the public mind was charged with anxiety to determine where would be the point of crossing (at which point it was believed a great city would grow up) Mr. Milner conceived the idea of organizing a syndicate and acquire [*sic*] a sufficient

<sup>16</sup>The Elyton Land Company literally planned the giant industrial city on a site on which there was next to nothing. Accounts of this are numerous: DuBose, *Jefferson County*, 151-2; H. M. Caldwell, *History of the Elyton Land Company and Birmingham, Alabama* (Birmingham, Ala.: Birmingham Publishing Company, 1892); and John C. Henley, *This Is Birmingham* (Birmingham, Ala.: Birmingham Publishing Company, 1960).

William Franklin Nabers died ca. 1915. See Thomas McAdory Owen, *History of Alabama and Dictionary of Alabama Biography*, 4 vols. (Chicago, Ill.: S. J. Clarke Publishing Company, 1921), IV, 1267.

<sup>17</sup>It was around 1823 that interest began in the "brown hematite ore in Roupes Valley, 30 miles southwest of Birmingham." DuBose, *Jefferson County*, 63. Professor Tuomey of the University of Alabama was the state's geologist prior to 1858. *Ibid.*, 131. Tuomey's reports are in the Tutwiler Collection of Southern History and Literature, Birmingham Public Library; Michael Tuomey, *First Biennial Report of the Geology of Alabama* (Tuscaloosa, Ala.: M. D. J. Slade, 1850), and *Second Biennial Report on the Geology of Alabama* (Tuscaloosa, Ala.: M. D. J. Slade, 1858).

<sup>18</sup>John T. Milner was Willis J. Milner's half-brother. For reference to the published version of John T. Milner's survey, see reference note #8.

<sup>19</sup>General Robert Emmet Rodes, a native of Virginia, was Chief Engineer of the North East and South West Railroad, subsequently the Alabama and Chattanooga, the Alabama Great Southern, and the Southern. DuBose, *Jefferson County*, 126-7.

quantity of the land adjacent to such crossing and laying off there a city according to [a] plan adequate to the needs of a great industrial mart, such as he expected would be built there. He laid the plans before Josiah Morris, a banker of Montgomery, and a few others who readily acquiesced [*sic*] in the suggestion and the syndicate was duly formed, including in its membership Mr. Stanton and such of his friends as he might select. The point of crossing was then definitely determined upon, and Mr. Milner, as agent of the Syndicate, was instructed to secure options upon about four thousand acres of land according to his own judgment, which he had begun to do.

No engineering difficulties were encountered in locating Stanton's Road, nature having substantially determined this. Not so with Milner's, which being across and not parallel with the trend of the mountains required great care and more time. Before he had completed his surveys he discovered that Stanton had secretly obtained options for himself alone on the lands which had been selected and agreed upon for the syndicate, who were thus excluded from participating in the scheme entirely, while Stanton would be the only beneficiary. His [Stanton's] road had in the meantime been located and work on it was progressing rapidly.

Milner quietly withdrew his surveying parties and put them to work at points up and down the valley some distance from the point agreed upon. He kept his counsel to himself, revealing his plans to no one, not even his own assistants or to Mr.

Morris, at whose bank Stanton's options were made payable at noon on a given date. So mystified was Stanton as to Milner's intentions that he was not on hand at the appointed time to close the options. The land owners were there with their deeds and Milner also was there awaiting results. At the hour of noon, with Stanton still absent, Mr. Milner advised Mr. Morris to take up the options for himself and associates. Stanton was not included, and was thus hoist by his own petard.<sup>21</sup>

On January 26th, 1871 the members of the syndicate met at the office of Josiah Morris & Co. and organized the Elyton Land Company, with a paid up capital stock of \$200,000.<sup>22</sup> All legal requirements were complied with, and a Board of Directors, consisting of five members, was elected.

The Directors were Josiah Morris, James R. Powell, William S. Mudd, B. P. Worthington, and William F. Nabers. J. R. Powell was then elected President and W. A. Allen was either then or later made Secretary and Treasurer.<sup>23</sup> The organization was thus complete.

Powell selected as his chief engineer William P. Barker, and some weeks later they proceeded to Jefferson County and began their work.<sup>24</sup>

Mr. Morris, the Trustee for the Syndicate, acted as a clearing house for the members, the stock being issued to him and by him later transferred to the several members agreed upon.<sup>25</sup>

The names of the stockholders as they stood

<sup>20</sup>John C. Stanton is portrayed both as a man with vision who saved the North East and South West Railroad (*Ibid.*, 127-30) and as a rogue and scoundrel carpetbagger (*Ibid.*, 143-4; and Warren, *Practical Dreamer*, 152-9). It is certain that he bought options on property which was a proposed site of the crossing of the South and North Alabama and the North East and South West (Alabama and Chattanooga) Railroads and lost them by default at the end of a 63-day expiration period. Josiah Morris bought them from the landowners, ostensibly to assure that Stanton would have no chance of regaining them. Later, on January 26, 1871, the land was transferred to the Elyton Land Company. Caldwell, *History*, 5.

<sup>21</sup>Another account states that Stanton was financially unable to close his land deals. DuBose, *Jefferson County*, 163.

<sup>22</sup>The company's application for a charter was drafted and dated December 8, 1870; it was filed with John Calhoun Morrow, Judge of Probate for Jefferson County on December 19, 1870 and was recorded on the following day. Elyton Land Company Minute Book, pp. 5-7. Department of Archives and Manuscripts, Birmingham Public Library.

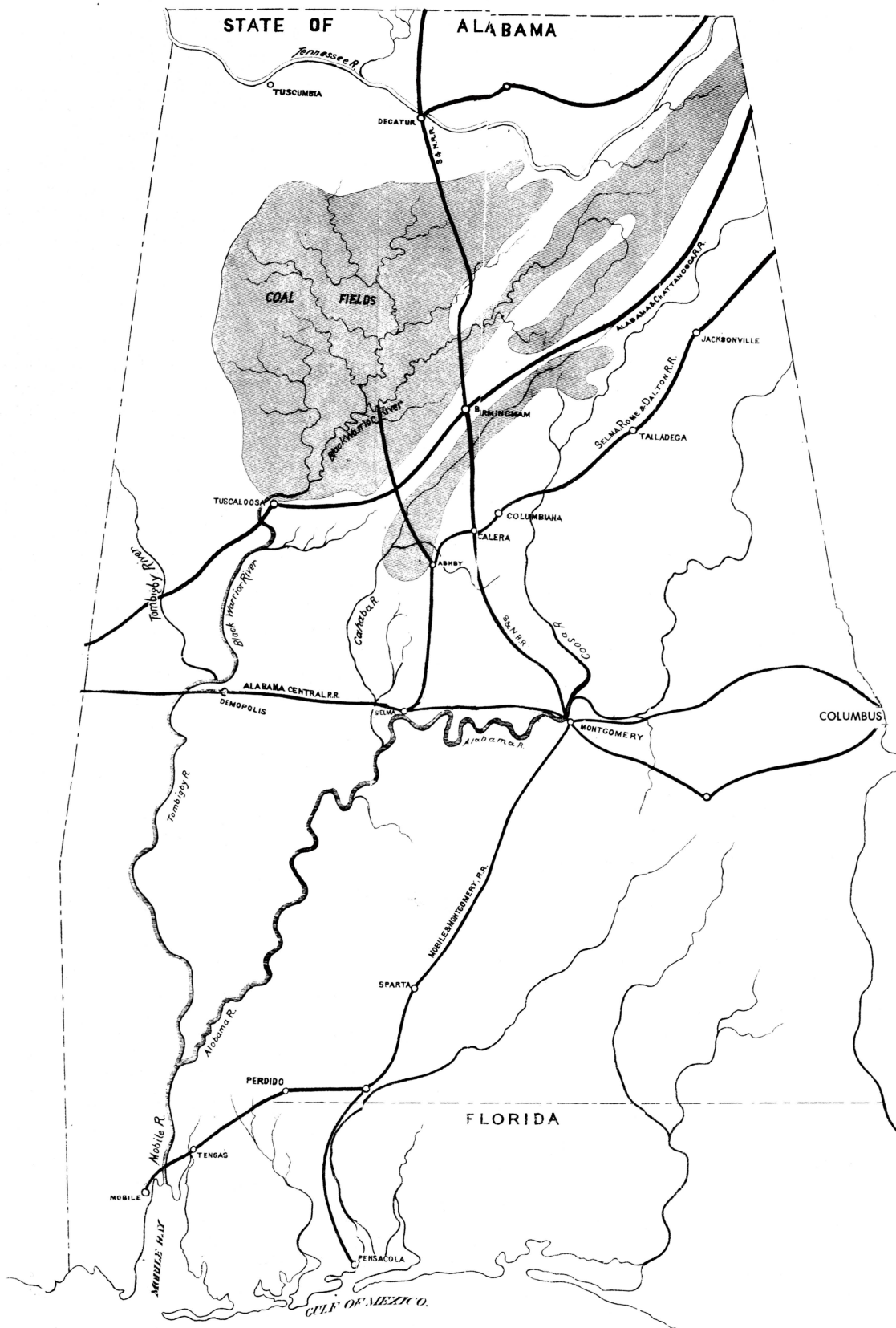
<sup>23</sup>John T. Milner was made Secretary prior to the election of the directors (*Ibid.*, 8) and was duly elected Secretary on January 26, 1871 (*Ibid.*, 16). There is no mention of W. A. Allen in the minutes of the Elyton Land Company. Evidence that he did serve as Secretary prior to Willis J. Milner's appointment in July, 1871 is found in the Elyton Land Company Deed Book, No. 1 (1871-1873), Lot 12, Block 99, Department of Archives and Manuscripts, Birmingham Public Library, wherein Allen signed his name as Secretary of the Company.

<sup>24</sup>No complete biographical sketch of William Person Barker, the Elyton Land Company's chief engineer, is currently available. Barker did, however, keep a diary, which contains detailed information on his activities during the early months of 1871 when he was engaged in surveying the new City of Birmingham. For references to the diary, which remains a valued possession of Barker's descendants, see Raymond Rowell, Sr., "Birmingham's First Surveyor Becomes Its First Historian," *The Birmingham News*, December 17, 1972, p. A-31. The original of Barker's survey of the City of Birmingham is among the Elyton Land Company records in the Department of Archives and Manuscripts, Birmingham Public Library.

From entries in the Elyton Land Company Journal, 1871-1886, it is evident that Barker was at work for the Company as its chief engineer prior to March 24, 1871 (this information appears to be confirmed by the Barker diary; see Rowell's article cited above). For the months of April and May, 1871, he was paid \$342. Elyton Land Company Journal, 1871-1886, pp. 3 and 7. Department of Archives and Manuscripts, Birmingham Public Library.

<sup>25</sup>See Elyton Land Company Journal, 1871-1886, 1, for an accounting of this transaction.





Map of Alabama, 1874

Map of Alabama originally published in *Alabama Coal and Navigation Company Chartered August 22, 1871* (Cleveland, Ohio: Fairbanks, Benedict & Company, Printers, 1874). From a copy in the Tutwiler Collection of Southern History and Literature, Birmingham Public Library.

on the records at the time I became Secretary and Treasurer were according to my best recollection as follows:<sup>26</sup>

Josiah Morris	James R. Powell
Bolling Hall	J. N. Gilmer
H. M. Caldwell	Sam Tate
Campbell Wallace	John Sandige, of N.O.
B. P. Worthington	M. J. Wicks, of Memphis
William F. Nabers	Robert N. Green
William S. Mudd	

A few months later were added the following names:

James W. Sloss	Luke Pryor
W. F. Joseph	Charles Linn
John T. Milner	

In the purchase of the lands the deeds were made to Josiah Morris, Trustee, each land holder receiving cash at \$25.00 per acre for two thirds of his land, and stock in the company at the rate of \$50.00 per acre for the other third. The four thousand acres thus acquired were conveyed to the company in payment for the capital stock, \$200,000 issued by the company.

Mr. Allen, the Secretary and Treasurer of the Elyton Land Co. was not present with the company at the time of my arrival, and I soon learned that he had resigned on account of ill health, leaving the office vacant. I therefore applied for the situation, for which my former experience fitted me. After due inquiries by Col. Powell as to my qualifications I received the appointment and tendered to Mr. Wadsworth my resignation to take effect as soon as my place could be supplied with him, which was July 25th, 1871.<sup>27</sup>

On this date I assumed my new duties and took charge of the books, records and other archives of this old company, thus beginning business connections and associations which were to continue for more than twenty-five years, and were to place upon me duties and responsibilities of grave

importance in the pioneer work of "effecting the building of a city at or near Elyton," as was stated to be the object and purpose of the corporation when filing its application for a charter.

I was also on this date admitted to full privileges as a guest at the St. Nicholas Hotel, which added greatly to my comfort. I had hitherto since my arrival been permitted, as Mr. Wadsworth's assistant, to take my meals at the first table, but was under the necessity of getting lodging elsewhere. The nearest bed that I could get was at the residence of Mr. Alfred Roebuck, nearly two miles distant, over a way lighted only by the stars after supper, and a return had to be made before breakfast. Mr. Roebuck's residence is still standing near the intersection of Huntsville Avenue and Twentieth Avenue. Some account of this hotel [St. Nicholas], which has the distinction of being Birmingham's first hotel, may be of interest.

At this time the hotel accommodations at Elyton were limited to two.<sup>28</sup> Commenting on these two hotels, Col. Powell, who sometimes used picturesque language, said, "They are like the Arkansas roads, whichever one you took you wished to hell you had taken the other." But even if the fare to be obtained at them was satisfactory, they were too far away to meet the emergency that confronted the officers of the company when they came to begin work. They therefore obtained the use of the section house named as an office and bed room. For their subsistence they placed a cooking stove and table in an old log cabin standing near where now is the intersection of Ave. A [First Avenue, South] and 20th Street. An old negro woman, Aunt Nancy, was installed therein as cook and housekeeper. The expenses were distributed at the end of the month in proportion to the number of meals supplied to each guest. Visitors were entertained at the company's cost.

The membership of this famous hostelry were

<sup>26</sup>The list of original incorporators includes Josiah Morris, J. R. Powell, Sam Tate, Campbell Wallace, H. M. Caldwell, Bolling Hall, J. N. Gilmer, B. P. Worthington, W. E. Nabers, and William S. Mudd. Elyton Land Company Minute Book, 5. See also Elyton Land Company Stock Ledger, No. 1. Department of Archives and Manuscripts, Birmingham Public Library.

<sup>27</sup>W. J. Milner was officially appointed Secretary of the Elyton Land Company on January 25, 1872. Elyton Land Company Minute Book, 25. The date, July 25, 1871 was not the day on which Milner assumed his duties as Secretary; that took place two days later, on July 27, 1871. The Elyton Land Company Day Book, 1871-1882 specifies this date. Elyton Land Company Day Book, 1871-1882, p. 68. Department of Archives and Manuscripts, Birmingham Public Library.

<sup>28</sup>The Elyton Herald for May 13, 1870 includes an advertisement for one of the two hotels to which Milner made reference. On page 3, there appears a notice of accommodations available at Eureka House. The Elyton Sun for June 10, 1871 contains, on page 2, an advertisement for the other hotel, Nabors House. Copies of these newspapers are in the Department of Archives and Manuscripts, Birmingham Public Library.

By 1873, Col. Powell reported four hotels of which the Relay House was definitely one; see Caldwell, *History*, 8. By 1886, ten hotels were reported; see DuBose, *Jefferson County*, 310.



Col. James R. Powell, President; William P. Barker, Chief Engineer; Robert Hooks, Assistant Engineer; Thomas S. Woods of the Engineering Department; W. J. Milner, Secretary and Treasurer; Frank L. Wadsworth, Engineer S. & N. A. R.R.; K. M. Cunningham, S. & N. R.R. Co. (successor to W. J. Milner); Col. James W. Robertson, Chief Engineer of Sam Tate & Associates, contractors.

In the process of events it went out of existence as soon as other boarding houses came into existence, that is about November 1st.

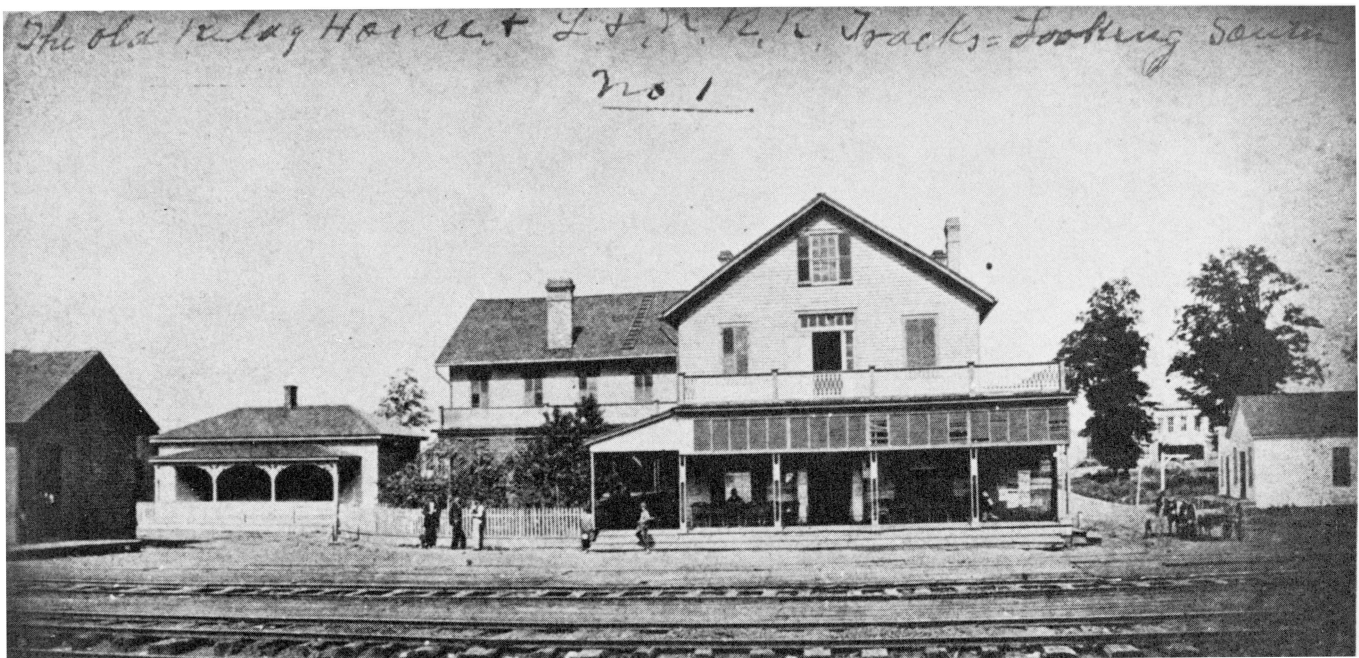
Mr. Barker's survey<sup>29</sup> had progressed sufficiently to admit of the beginning of the sales of lots in the central portion of the property by January 1st,<sup>30</sup> on which date were recorded a number of sales at prices that will show how true was the statement made to me by Col. Sam Tate about a year later. He said that he knew of no speculation that equalled buying land by the acre and selling lots by the foot. I give below a few of the prices

obtained for centrally located lots, and the names of purchasers.

To Andrew Marre Lot 50 x 100  
 N E Cor. 19th St & 1st Avenue ---\$100.00<sup>31</sup>  
 To B. P. Worthington 50 x 100  
 Empire Building corner ..... 100.00  
 To Cynthia A. McDonald 100 x 100  
 First Nat'l Bank corner ..... 200.00

On all lots sold within the fire limit, that is between First and Second Avenues and between 18th and 21st Street, two-story brick or stone buildings, not less than 25 x 50 feet were to be built within twelve months, and on all dwelling lots improvements amounting to \$500.00 in value for each \$100.00 paid for the lot were to be made within twelve months.

Col. Powell had in the beginning made a contract with John P. Figh & Bro. of Montgomery to come to Birmingham and make two million brick to be sold at a stipulated price to those wanting them for building purposes in Birmingham. A



The Relay House

A photograph from the collections of the Birmingham Public Library.

<sup>29</sup>Major W. P. Barker, in 1871, laid out the "streets, avenues, alleys, reservations for churches, parks and the railroads, already here, and others to come." *Ibid.*, 151. The original of the survey of the City of Birmingham, done by William P. Barker, Engineer, Elyton Land Company, is in the Department of Archives and Manuscripts, Birmingham Public Library.

<sup>30</sup>The first sale of lots was advertised to begin June 1, 1871, before the city even acquired its charter. DuBose, *Jefferson County*, 153.

<sup>31</sup>Major A. Marre, having bought the first lot for \$100, is termed "the first settler" by DuBose. DuBose may have been correct in his appellation, but he was incorrect in stating that Major Marre paid \$150 for the lot. A comparable lot, on Nineteenth Street, North, opposite the Marre purchase was sold to Josiah Morris in June, 1886 for \$635 per front foot, indicating something of the appreciation in value of the Major's purchase. *Ibid.*, 153. The deed for the Marre lot was executed on May 31, 1871. Elyton Land Company Deed Book, No. 1 (1871-1873), Lot 12, Block 99.

similar contract was made with William G. Oliver for making one million brick.

It was more difficult to insure a supply of lumber because of inadequate railroad facilities.

Early in the summer a contract was made with William L. Gude of Chattanooga for building a hotel to be known as the Relay House. It was a frame structure situated on what was then called the "Union Passenger" lot, the north side facing the railroad right-of-way and on the western side of the projection of the line of 19th Street. It was completed by about November 1st, and was leased to Mr. William Ketcham, grandfather of Hon. George B. Ward.<sup>32</sup>

About this time also the Worthington Building, on the corner now occupied by the Empire Building, was completed and the Elyton Land Co. moved its office from the section house into its second floor which had been leased for a term of years. At first a portion of it was used as bed rooms for some of the former guests of the St. Nicholas Hotel, which had thus ceased to exist.

Having thus secured a permanent position insuring me an income to justify it, I made preparations for the removal of my family, who had been left at our old home in Greenville, to Birmingham. I therefore bought a lot on 6th Avenue, now designated as 1920 6th Ave., and contracted for the construction of a small dwelling, sufficient for our needs, which was near enough completed by the middle of December for us to occupy it. This became and continued to be our residence for many years thereafter.<sup>33</sup>

My duties as Secretary and Treasurer fully and completely occupied my time, and called for an assistant in addition. The company's business grew amazingly, while the population increased as fast as houses could be built for them. The community was incorporated as a city by the legis-

lature in December, the population being estimated between eight and nine hundred.

During the year 1872 the influx of population was such as to bring on a great "boom," both in buying lots and building houses. My work became really burdensome, so that often I was unable to take time for lunch and dinner, often not returning home until late at night, so busy was I preparing the papers, deeds, bonds and notes given, for lots sold. In those days typewriters were unknown and stenographers were seldom employed, so that all the correspondence and other writing had to be done with pen.

In the midst of all this activity occurred an event of great interest to the people of the county, the Court House Removal Election, an event of great importance which deserves special mention.

During the last session of the legislature a law was enacted requiring the officers of the county to submit to a vote of the people the question of the removal of the court house from Elyton to Birmingham. The requirements of the bill were compulsory and the county officers had no discretion in the matter. The election was called for July 4th as well as I can recall, and some weeks earlier the combatants began preparation for the conflict.<sup>34</sup> The removal forces were headed by Col. Powell, who was an able politician and a vigorous fighter. The opposition embraced all the vested interest at Elyton and the country people generally, except those from the eastern portion of the county.

If the result attained and declared had been the true expression of a majority of the bona fide inhabitants of the county, it is probable that the court house would have remained a few years longer at Elyton, but at that time (1872)<sup>35</sup> we were living under the reconstruction regime and

<sup>32</sup>There has been some question as to the dates of the completion and the opening of the Relay House. The historic marker placed on the hotel's site by the Birmingham Historical Society in 1949 contains this information: "Birmingham's first hotel was opened here between the Louisville & Nashville R. R.'s first train, Nov. 11, 1871, and the chartering of the city on Dec. 19th." James F. Sulzby, Jr. offers no information regarding the dates either of completion or opening other than that provided on the marker. James F. Sulzby, Jr., *Historic Alabama Hotels and Resorts* (University, Ala.: University of Alabama Press, 1960), pp. 205-8. John Henley, Jr. places the opening in December, 1871 but gives no specific date. Henley, *This Is Birmingham*, 34. Under December 31, 1871 in the Elyton Land Company Day Book, 1871-1882, the following entry appears: "Paid W. L. Gude for finishing contract on hotel as per receipt." Gude was the principal contractor for the Relay House. This entry indicates completion of the hotel either on Wednesday, December 13th, the date of payment to the contractor for work completed, or a date slightly earlier. The date of opening is more difficult to determine, but a final payment made for a night watchman on Saturday, December 16, 1871 suggests a date for the opening either on or sometime just prior to December 16th. Elyton Land Company Day Book, 1871-1882, 59 and 60.

For information on William Ketcham, see Sulzby, *Historic Alabama Hotels*, 205-8.

<sup>33</sup>No copy of a deed for this property appears in the Elyton Land Company Deed Books prior to March 18, 1879, on which date there was executed a deed for the transfer of lots 17 and 18 in block 34 (fronting 100 feet on Sixth Avenue, North) from Willis J. Milner to his wife, Gustrine K. Milner.

<sup>34</sup>This evidently occurred not on the 4th but on election day, the first Monday in May, 1873. Caldwell, *History*, 9.

<sup>35</sup>This reference should read 1872-1873.



its election laws had been framed by the carpet-baggers for the purpose of keeping themselves in office. Under these laws any one claiming the right to vote could do so at any precinct in the county, and it was unlawful to challenge the vote of any such person, such challenger being made thereby liable to a heavy penalty for obstructing the ballot. It is thus seen how easy it was to vote "early and often."

The Elyton Land Co. had announced its donation to the county of a beautiful lot, the lot now occupied by the Court House, and had prepared on this lot a bountiful barbecue to be served on the day of the election. Nearby also had thoughtfully been provided a commodious ballot box. The Alabama & Chattanooga R.R. was in operation and [had] in use a number of construction trains; and it was known to these dusky laborers, who were also voters, that a barbecue awaited them near this ballot box. In fact the barbecue had been thoroughly advertised among them, and it is altogether probable that their numbers had been largely increased on this particular 4th of July.

Col. Powell, wearing a red sash, borrowed no doubt from some old Confederate officer for the occasion, (and I think also wearing a sword obtained from the same source and mounted on a calico pony belonging to William Dobbins, who later became noted as a successful gardner) met these trains and welcomed the occupants to the city.

Some wag whispered it among them that that was Gen. Grant. The negroes were formed into columns and with Powell at the head marched up to the polls and the barbecue, being thoughtfully provided beforehand with the right kind of ballots.

Birmingham has in its short history had some very exciting elections, but I am sure that in proportion to population none of them equalled this in the interest taken and the excitement produced. An incident of the methods of the campaigning may be mentioned. A brass band had been imported from Montgomery by the Removal forces, but while they were off guard tar was poured into the instruments, thus rendering them temporarily useless.

The result is known, and the decision was no doubt best for the people of the county, even though they may not have approved of the election methods. It must not be understood from what I have said that there was any buying of votes for money, unless the cash was furnished by individuals. The Land Company furnished no money other than the cost of the barbecue.

As population increased, the question of a water supply became more urgent and it became evident that something must be done at once to solve this problem. Hence Col. Powell, with the approval and backing of the local Directors of the company, especially that of Mr. Charles Linn, who had recently become a director in the company, took the matter in hand. There being some question as to the authority of the company to build and operate water works, Travers Daniel was engaged to conduct negotiations with the city. These negotiations resulted in the making of a contract on September 21st, 1872 between the city authorities and Travers Daniel & Associates for the construction and operation of water works.<sup>36</sup> This contract was immediately transferred to the Land Company, and Daniel was employed by the latter to build the works, receiving a salary for his services.

Village Creek was selected as a source of water, and a pump house erected and a pump installed where now is the North Birmingham pumping station. A reservoir of about 1,000,000 gallons capacity was constructed on the hill at about the intersection of 13th Avenue [North] and 22nd Street; and mains were extended into the city, the system of mains covering only a few blocks in the center of the city including a pipe supplying the Relay House. This work was completed about June 1st, 1873, although water was turned into the reservoir on May 15th.<sup>37</sup>

Early in the year 1873 the company began a campaign of advertising preparatory to a great auction sale of lots to be held on June 17th. To this end maps, circulars, reports and advertising data of every description were prepared and sent out all over the country, some even to England. Col. George W. Adair, one of Atlanta's most famous boosters, was engaged as auctioneer to conduct the sale.<sup>38</sup>

<sup>36</sup>The money borrowed for the water works and for land purchases was the cause of the serious debt incurred by the Elyton Land Company. In 1873, the Company's stock was down to 17 cents on the dollar. The cost of the water works is cited in one case as \$100,000, and in another as \$60,000. See respectively, DuBose, *Jefferson County*, 154 and 183-4.

<sup>37</sup>For the accounts relative to this construction, see Elyton Land Company Journal, 1871-1886, pp. 93-118. Department of Archives and Manuscripts, Birmingham Public Library.

<sup>38</sup>For a brief biographical sketch of Col. George W. Adair, see Walter C. Cooper, *The Story of Georgia*, 4 vols. (New York, N.Y.: The American Historical Society, Inc., 1938), IV, 190.

As the great day which had been so extensively advertised approached, weather conditions became unpropitious. Rains set in some weeks before the day named, and continued producing great floods and interruption of trains, greatly obstructing even the already inadequate means of travel.

Because of all these hindrances the expected concourse of real estate purchasers was not on hand, and it was therefore deemed best to call off the auction sale and conduct sales only in private; notwithstanding Col. Adair was on hand ready.

That troubles never come singly was thoroughly demonstrated with us during that year, 1873, which I always recall with a shudder.

Asiatic cholera had made its appearance in some sections of the South and on July 1st had reached Birmingham, soon thereafter becoming epidemic.<sup>39</sup>

It would be difficult to imagine a community more helpless to cope with such an emergency as that which now confronted the little town of probably two thousand population. These inhabitants had flocked in from all directions, more of them being poor people and laboring people or those who had exhausted their cash resources on their dwellings. They were only slightly acquainted with each other—therefore largely lacking in that mutual confidence in one another which always makes for strength at such times. Many of them, too, were negroes, always an element of danger in such extremity.

There were no sewers or provision of any kind for sanitation. The open closet was in universal use and the many crimes now imputed to the fly were not then known, or even suspected. Few or none had gardens, most of us depending for vegetables on those shipped from a distance, which were usually stale and unwholesome. But the worst feature of the situation was the water supply. The street mains of the water works system mentioned above were almost a negligible quantity; so incomplete were they, only a few dwellings [were] thus supplied. At least ninety-five

percent of the people obtained water by having it hauled in barrels from either Nabers' or Martin's Spring or from wells, all of which sources were exposed to surface pollution, of which there was a constantly increasing abundance.

One of these wells situated at the intersection of 19th St. and 2nd Avenue [North] had been dug by order of the Board of Aldermen and it supplied a large number of people for many blocks around it. It was the Mecca of the thirsty for all within its reach. The water was clear, cool and abundant. In quality it was doubtless as good as many of us had obtained in days past from "the old oaken bucket that hung in the well."

During the progress of the epidemic the Board of Health became suspicious of it and had it cleaned out. Among the articles recovered from it, as I remember them, were a fully ripe dead cat, several rats, old shoes, and hats, tin cans, buckets and ropes and so on *ad nauseam*. One silver half dollar was also found below. Afterwards by the same authority the well was permanently closed.

From among those who were supplied by the water works, including the Relay House, there was not a single case of cholera.

A few months before the appearance of cholera Col. Powell had been installed as mayor, having been elected by the people just before this. The first mayor, R. H. Henley, and his Board of Aldermen, were appointed by the governor, or as provided in the act of incorporation. The new mayor was a man of action and did not shrink from taking responsibilities when he deemed such to be necessary. Backed by the Board of Health and sustained by the Board of Aldermen, aided by the better class of citizens of whom we had some fine specimens, he proceeded to clean up the town, and to vigorously enforce such sanitary regulations as the Board of Health prescribed. A relief committee headed by the Rev. Davenport, pastor of the Methodist Church, was organized and did noble work. I think Dr. James B. Luckie was president of the Board of Health.<sup>40</sup>

Both he and Dr. Mortimer Jordan were members of it, as was also Dr. J. W. Sears.<sup>41</sup>

<sup>39</sup>For a relatively complete account of the Birmingham cholera epidemic, see M. H. Jordan, "Cholera at Birmingham, Ala., in 1873," in *The Cholera Epidemic of 1873 in the United States* (Washington, D.C.: Government Printing Office, 1875), pp. 409-14.

<sup>40</sup>James Buckner Luckie, born in Newton County, Georgia, served as medical purveyor in the Confederate army and was at Appomattox. He moved to Birmingham and ministered to its people throughout the cholera epidemic. His biography does not mention a position with the Department of Public Health. DuBose, *Jefferson County*, 384-5.

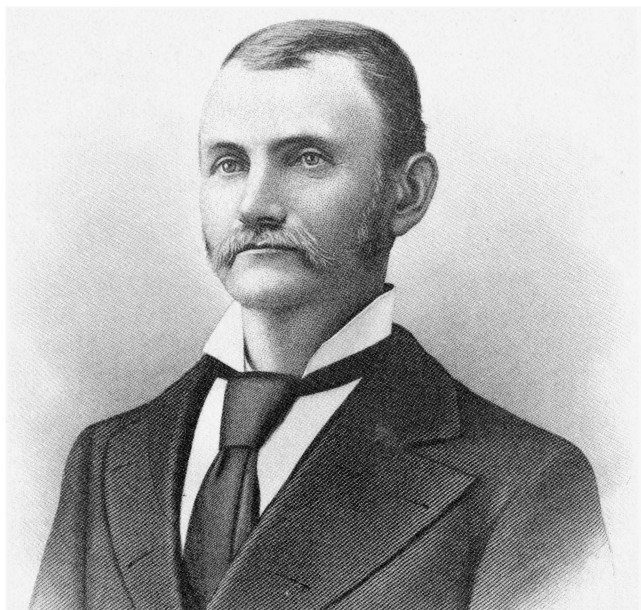
<sup>41</sup>Brief biographical sketches of Drs. Mortimer Jordan and J. W. Sears can be found in DuBose, *Jefferson County*, 381-4 and 387-8, respectively.





James Buckner Luckie, M.D.

An engraving done by E. G. Williams and Brother, New York, N.Y. and included in John Witherspoon DuBose, *Jefferson County and Birmingham, Alabama, Historical and Biographical* (Birmingham, Ala.: Teeple and Smith, Publishers, 1887).



Mortimer H. Jordan, M.D.

An engraving done by E. G. Williams and Brother, New York, N.Y. and included in John Witherspoon DuBose, *Jefferson County and Birmingham, Alabama, Historical and Biographical* (Birmingham, Ala.: Teeple and Smith, Publishers, 1887).

After about twenty days of the epidemic, acting upon the urgent advice of our family physician, Dr. Sears, I carried my family to Greenville where my brother and sister were living. We remained away until August 1st, when being advised that it was safe to do so, we returned and opened up our house. All of those who could do so had gone away and some of them did not return. A number of our friends had the disease and some had died. Altogether a woeful condition greets us on our return.

Birmingham had suffered much more in reputation and morale than the facts justified. Notwithstanding our very vulnerable condition as described above, the death rate had not been great, not exceeding I think one hundred and twenty-eight in the entire county. Yet the general public accepted the wild reports of some of the refugees that the town had been practically "wiped out." Some of our neighbors too, our "big sisters," did not seem to be greatly grieved at our calamity. We had no standing in history to [either] sustain us [or] to contradict among our friends those wild stories. The most notable was that we were supposed to have been practically destroyed as a city by the epidemic, and it took long weary years to overcome this hurtful notoriety.

Following closely upon the cholera epidemic and before we had gotten back to business and recovered what little there was left to us, another and a greater disaster came upon us. In September<sup>42</sup> what is known to history as the Jay Cooke panic fell upon us with terrific force, and completely knocked our baby pins from under us the second time within a few weeks. The baneful effect of this panic, extending as it did throughout the country, continued for many weary years. In our short existence we had not had time to establish industries to produce pay rolls upon which we could exist. The building boom which had formerly been so helpful no longer existed and was succeeded by empty houses.

A long, hard climb from the very bottom awaited those of us who remained and cast our lot with the stricken city.

Vigorous retrenchment and the more rigid economy became necessary, the land company setting the pace for others. I among others suffered

<sup>42</sup>Spring of 1873 has often been cited as the time of the financial panic on Wall Street, prior to the cholera epidemic; see Caldwell, *History*, 10. However, Black Friday occurred in September of 1873 as Willis Milner stated. Jay Cooke and Company failed September 18, 1873 because of its over-extensions in financing railroads; see *Dictionary of American History*, ed. by James Truslow Adams (New York, N.Y.: Charles Scribner's Sons, 1942), V, 207.

a great reduction of salary, which I accepted cheerfully and willingly.<sup>43</sup>

The land company had incurred debts in the purchase of additional lands and in the building of the water works. These debts now came home to torment us and it became in time a race between the tax collector and the sheriff as to who should first get possession of the spoil, the company's effects.<sup>44</sup> But the courts were open and able counsel was available and the levies upon the company property were held up until such time as it was possible to pay the debts.

During the year 1874 the water works was turned over to Daniel for him to make his salary out of the income obtainable from that source. Before the end of the year I was notified by Daniel that at the end of the year the company must feed its own elephant, as he would relinquish possession December 31st. The result was that on January 1st, 1875, I assumed charge of the works as Superintendent, which duties I continued to discharge for a quarter of a century thereafter.<sup>45</sup>

The annual meeting of the stockholders of the company was held January of each year. At the meeting held this year [March] 1875, Col. Powell having declined reelection, Dr. Henry M. Caldwell was elected President. At that time Dr. Caldwell's home was in Greenville where he continued to reside for two years longer. He therefore during this period spent only a small portion of his time in Birmingham.

As may be imagined the sale of lots at this time was not a very burdensome duty, but the collection of notes given for those already sold was very troublesome and difficult.

Soon after Dr. Caldwell became President, the company issued \$80,000 of bonds to relieve it of pressing obligations. These bonds were taken by the stockholders as became necessary.

During Col. Powell's last year as President he borrowed of the late W. H. Woodward \$15,000, giving as security a mortgage on the water works. When this note matured the company was unable

to pay it, and Woodward began steps to foreclose his mortgage. The water works at that time represented an investment of \$60,000 and it would have been a fine speculation to acquire them for one fourth of their value. But before this could be accomplished three of the stockholders, Morris, Sloss, and Caldwell, paid the note, taking in lieu thereof bonds of the company.<sup>46</sup>

Except for the calls upon my time incidental to the operation and management of the water works, my duties at this time and for several years thereafter were not very burdensome. It was necessary for me sometimes to close my office and go out and survey a lot, but this was rather a recreation than otherwise.

After the Jay Cooke panic of 1873, mentioned above, the American public seemed to be taking a rest, in which the people of Birmingham from necessity participated in an eminent degree. This condition continued until after the resumption of specie payments January 1st, 1879.

Previous to 1877 there had never been made in Alabama any pig iron except charcoal iron, and the use of Alabama coals for such purpose was an untried proposition. When our citizens endeavored to induce the farsighted wealthy northerners who had invested in large tracts of well selected mineral lands, to develop those lands, their replies were invariably unsatisfactory. They would sometimes say, "We are not ready and we do not know whether your iron ore and your coal which lie close together are at all adapted to making iron." When told that the analysis indicated that they were, the reply would sometimes be, "Damn your analysis! If that is true, why don't you go ahead and make iron yourselves?"<sup>47</sup> I have this statement on the authority of Maj. Thomas Peters, who was a constant and loyal worker and booster for this district and who deserves to have a conspicuous monument erected to his memory.

It was this situation that caused John T. Milner in 1877 to agitate the question of an organization to solve the problem experimentally, for which

<sup>43</sup>For the official action of the Elyton Land Company stockholders regarding financial retrenchment, see Elyton Land Company Minute Book, 65-8.

<sup>44</sup>Creditors claimed even the office furniture, including the Secretary's desk. DuBose, *Jefferson County*, 183.

<sup>45</sup>For the official records of the Elyton Land Company regarding the water works during the period 1874-1875, see Elyton Land Company Minute Book, 64ff.

<sup>46</sup>Elyton Land Company Minute Book, 88.

<sup>47</sup>Col. Daniel S. Troy, legal advisor to the Elyton Land Company, and later head of Oxmoor furnaces, claims to have "secured" the first correct analyses of iron ores of Red Mountain and of the coal seams of Cahaba ever made. How Col. Troy secured these cannot be determined at this juncture. DuBose, *Jefferson County*, 182.

purpose a call was issued by him to a meeting at the office of the Elyton Land Co. to discuss the matter.<sup>48</sup> Judge William S. Mudd was called to the chair and W. J. Milner was made Secretary of the meeting. Mr. John Milner was requested to state the object of the meeting, which he did in a very forceful manner. He said that we were in the situation of the men who called upon Hercules to come and pull his wagon out of the mud. Hercules refused to help the man until he set to work himself. So with us, Hercules would not come until we put our shoulders to the wheel. He said that when he was a boy at school at Charleston he knew a very astute old Israelite, who often talked with him, giving him advice. One of the injunctions of this wise old gentleman was, "Never deceive yourself. You may sometime deceive others, but never deceive yourself." For aught we then knew, said Mr. Milner, we were deceiving ourselves in regard to our resources and we should at once ascertain if we had the great natural resources that we had been depending on and boasting about. Let us learn the truth, and then if he was satisfied in doing so Hercules would come and pull us out of the mud.

He advocated the organization of an experimental company to make the test of making iron out of our coal and ore. He headed the subscription to such a company with one thousand tons of coal and some amount in cash which I do not remember. A committee was appointed, consisting of William S. Mudd and I think Leven S. Goodrich, to take charge of the work. The organization was called Co-operation Experimental Company, but it was not incorporated in legal form. A committee was appointed to receive subscriptions and contributions to the company. I gave all that I felt able to give in cash, and many others contributed in the same way. Col. Sloss was at that time President of the Eureka Co., which had been making charcoal iron at Oxmoor, but the prices of such iron had fallen so low, coupled with the increasing cost and difficulties of getting charcoal, that the company decided to close down the furnaces. Before closing however, permission was given to J. B. Earle and Co. of Elyton (Judge Mudd being a member of the firm) to continue operating them, using stock that was already on

hand, until they had paid themselves an account due for supplies. This had now been done and the furnaces were idle, leaving Mr. Goodrich, the Superintendent, out of employment. He was therefore available as an expert to conduct the experiment now determined upon.

At this time there were only three coal mines in operation in the state, one opened by Mr. Milner at Newcastle, one by Mr. Pierce on land owned by Worthington at Warrior, and one in the Cahaba fields near Helena. These mines all contributed coal to be made into coke and the L. & N. R.R. Co. contributed all the freight required and some cash. The Eureka Company gave the iron ore that was needed and the use of its furnaces, of which only one, I think, was used, which had to be changed to adapt it to using coke, involving considerable cost.

It is not so much with the details or methods of the operations of the Co-operative Experimental Co. that we are concerned as it is with the far reaching results obtained. These were all that could have been expected or desired, and this was the birth of Alabama's iron and steel industry.

Armed with the facts thus determined Col. Sloss was enabled to obtain from his stockholders the means and authority to remodel the furnaces, adapting them to the use of coke.

But here another obstacle presented itself. There [were] at that time not enough coal mines in the entire state to supply one furnace. But this obstacle was soon overcome. In 1878 H. F. DeBardeleben, J. W. Sloss, and Truman H. Aldrich, organized the Pratt Coal & Coke Co. and built a railroad from Birmingham out six miles to a mine which they had opened on the newly discovered Pratt coal seam.<sup>49</sup>

An abundant supply of good coal was thus assured and this fact brought in its train other important industries.

Following closely upon this event was another of equal and more general import to the country at large. On January 1st, 1879 the government resumed specie payment, thus placing business upon a more secure basis.

In 1879 T. T. Hillman and H. F. DeBardeleben built the Alice Furnace in Birmingham, following

<sup>48</sup>For a detailed account of this meeting and its consequences for industry in the Birmingham area, see Ethel Armes, *The Story of Coal and Iron in Alabama* (Birmingham, Ala.: Published under auspices of The Chamber of Commerce, 1910), pp. 255ff.

<sup>49</sup>See *Ibid.*, 273-9.

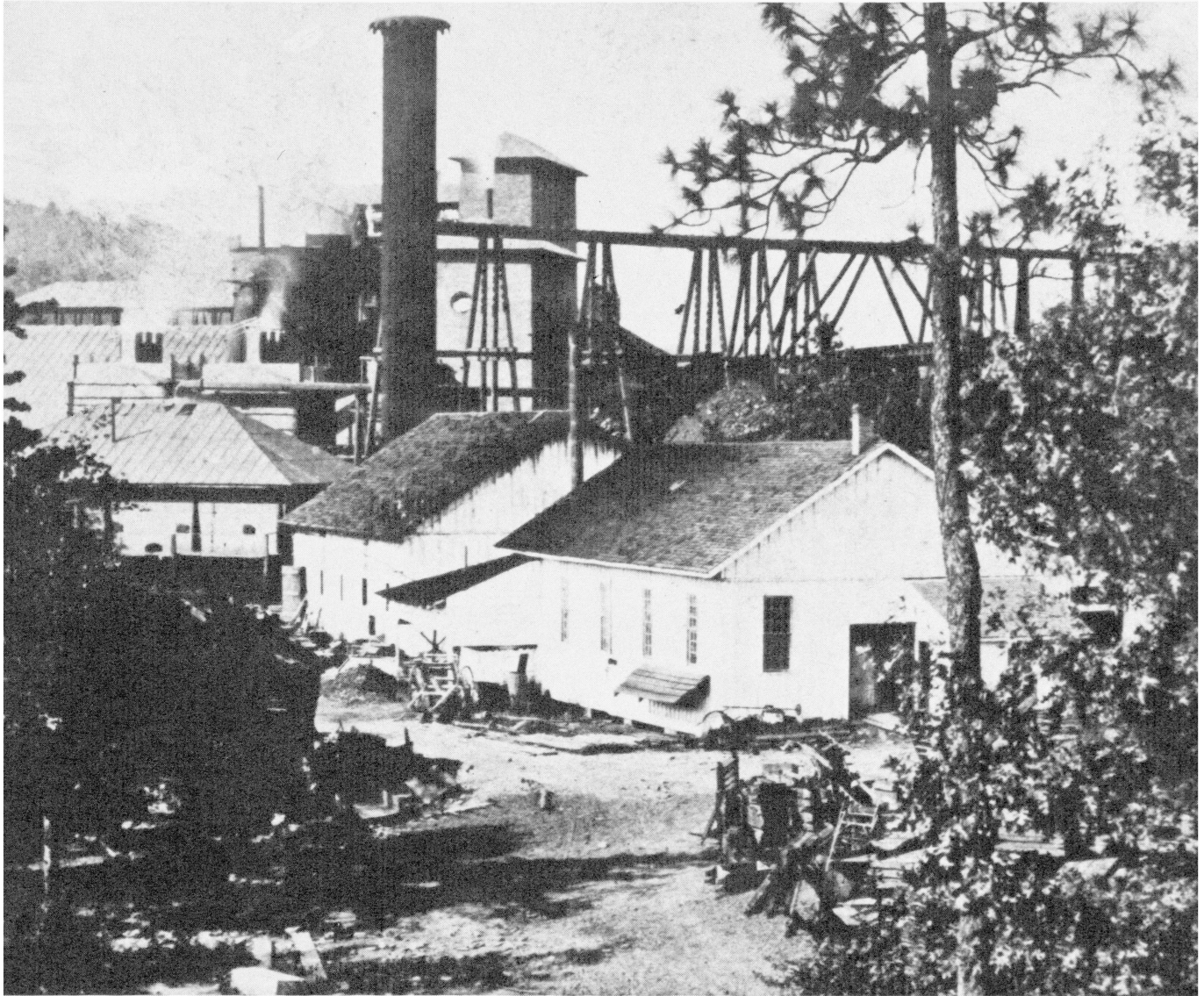


in 1880 by the building of the Birmingham Rolling Mill by Louisville capitalists.<sup>50</sup>

As may be imagined my duties as superintendent of the water works became more arduous during the years succeeding the operations of the Experimental Company. New and larger mains and new service attachments became necessary, and additional pumping machinery was needed to supply the new consumers, especially the new industries mentioned. When I first assumed the

duties of superintendent it was only necessary to run the original small pump, put in by Daniel, one day in the week. As the consumption of water increased it was sometimes necessary for me in person to run the pump while my engineer was employed on other work. It had become quite different now. A double turn of pump men were kept on duty at the pumps while my street force was giving attention to city work constantly.

The reservoir capacity on the hill had also to



Alice Furnace

A photograph from the collections of the Birmingham Public Library.

<sup>50</sup>See *Ibid.*, 283-4. The land on which the Alice Furnace was built was donated *gratis* by the Elyton Land Company to T. T. Hillman and H. F. DeBardeleben. The proposal for the donation was presented to the Company's Board of Directors on August 1, 1879. See Elyton Land Company Minute Book, 186-9. The land on which the Birmingham Rolling Mills was built was purchased from the Elyton Land Company for \$2,500. See entries in the Elyton Land Company Minute Book, 190-2, under the following dates: December 26, 1879 and January 20, 1880.

be enlarged by constructing another and larger one. All these matters kept me constantly on the "jump," and at times I spent sleepless nights fearing the reservoirs would run dry, an emergency however that never happened.

In 1881 Sloss furnace No. 1 was erected in the eastern portion of the city, following in 1882 by furnace No. 2. In 1883 was built also the Mary Pratt furnace by Underwood and DeBardeleben, just east of 33rd Street near the railroad.<sup>51</sup>

It had now become evident that Village Creek, by reason of the growing population was fast becoming unfit for a source of water. I therefore sought another source and for this purpose had a survey made to determine the practicability of introducing Five Mile Creek. This survey showed that the latter stream could be brought by a canal into a reservoir at the Village Creek Pump House. I found also at the point of diversion what appeared to be an admirable site for an impounding reservoir—with one serious objection to be mentioned later. The water shed of the stream above the point under consideration was found to be about nineteen square miles, sufficient it was estimated to supply eight or ten million gallons daily, provided it could be stored. A topographical survey showed the contemplated reservoir to be sufficient for this purpose. Altogether it was a very attractive proposition—with the exception mentioned—it was in the limestone.

I reported all these facts to the President and Board of Directors, with my recommendations. It was possible at that time to buy all these lands at prices which I believed to be a good investment, and I was accordingly instructed to buy such lands as I thought advisable, which was done.

To make these purchases I engaged the services of Mr. Rufus H. Hagood, who knew all the land owners, having been reared in that portion of the county. Among these land owners was one who was obstinate and refused to permit us to enter upon his land unless we would buy the entire tract of four hundred and eighty acres, for which he demanded \$10,000. The creek ran through the land and on it was a small saw mill

of no value except for trading purposes with us. I instructed Mr. Hagood to buy the land, which he did for \$9,900. It is upon this tract there is situated the limestone quarry from which the Birmingham Realty Company, successor to the Elyton Land Co., has collected an almost fabulous sum in royalties and is still working it.<sup>52</sup>

I advised the Directors that in the event it should be decided that it was not practicable or desirable to build the reservoir contemplated, there was no question of our being able to obtain from that source the natural flow of the stream through the canal, estimated at about four million gallons daily. We were then using about one million.

The year 1885 was an exceedingly busy and active one for me. Besides having on my hands the building of the street car line and the 22nd Street bridge,<sup>53</sup> the real estate department was growing rapidly, which developed in August of the succeeding year, 1886, into the great "boom" so well remembered by those who were living in Birmingham then. Almost the entire adult population, young and old, male and female, became involved in the wild craze. Nor can any class of citizens claim exemption from its influence. Staid old bankers, men of affairs, professional men of all classes, were drawn into it, not alone those living in Birmingham, but those coming in from other cities were even worse demented than our own citizens. After the orgy had passed some one said to a highly honored and respected old citizen, "Colonel, did you lose your head, too?" "No," was the reply, "but I loaned it to my son." And so with most of us. If we did not lose our heads, we "loaned" them out to our friends.<sup>54</sup>

The year 1886 was from beginning to end a strenuous period for me. Besides my duties as the builder and manager of the Highland Avenue Railroad, which had been changed from a horse car line to a steam dummy line during the year, I was also engaged in the construction of the projected Five Mile Creek Canal. A contract was made with Mason & Jackson<sup>55</sup> for the entire work of excavating the canal, which was begun at once

<sup>51</sup>See Armes, *The Story of Coal and Iron*, 288 and 306.

<sup>52</sup>The limestone quarry to which reference is made is the Dolcito Quarry.

<sup>53</sup>Milner was responsible for the development of the Elyton Land Company's real estate holdings in the area of present-day Highland Avenue. His duties included oversight of the construction of the Highland Avenue and Belt Railway with the attendant erection of the first Twenty-second Street viaduct, a wooden structure. The records of the Highland Avenue and Belt Railway Company and those of the Lakeview Amusement Company are on deposit in the Department of Archives and Manuscripts, Birmingham Public Library.

<sup>54</sup>See Caldwell, *History*, 22-5.

<sup>55</sup>"The Jackson mentioned was our late esteemed Col. J. F. B. Jackson." The preceding sentence was removed from the text for clarity. It originally appeared at the end of the paragraph to which this reference note is attached.

as soon as the location of the canal was complete. The Mason mentioned above was Major Mason, formerly quartermaster on Stonewall Jackson's staff, of whom it was said on one occasion General Jackson ordered him to build a bridge over a stream as quickly as possible. Jackson's Engineer at once began, so it was said, making a plan for the bridge. Mason did not wait for a plan, but went to work at once on the bridge itself. Sometime later he reported to Gen. Jackson that he did not know whether the "picture" was ready or not, but the bridge was ready.

The canal had to be excavated most of its length in the hard limestone, involving much labor and some delay. It was November 17th, 1887 when the water was turned into it, and from this date it afforded a bountiful supply of good water, sufficient for the city's needs until the water of the Cahaba River could be brought in, January 1st, 1891. [It was] not, however, without many anxious moments on my part lest the old reservoir should run dry. At times only a few inches were left in the bottom, with all the pumps at Village Creek station in operation.<sup>56</sup>

Work on the canal was scarcely begun before it was realized that a very much greater quantity of water would soon be needed than it would be possible to get from the natural flow of the stream alone, and that no time was to be lost in building the proposed impounding reservoir. Work was therefore begun on the excavation for the dam, and I watched the development with a great deal of concern. My alarm increased as the work proceeded. Other engineers were called in consultation, among whom was Col. Hiram Haynes of the government service, who was regarded as one of the ablest of his profession. He thought that the work might be made a success by "treating it," as he expressed it. And so with others, but it now became evident to me that the work would cost far more than had been estimated, and that it would take a much longer time to complete the work. I therefore urged upon the directors to let me suspend work on the dam, which meant to abandon it, which they reluctantly consented for me to do. My reason for this advice was that, in addition to the probable cost of the work and time required to complete it, it was now manifest by the rapid growth of the city and the greatly increasing demand for water, that even if

the reservoir was a success, the quantity of water available from the water shed would soon become wholly inadequate, necessitating recourse to another source of water. And if the reservoir should prove a failure, the result would be disastrous. I therefore urged them to lose no time in making a new contract with the city, and go at once to the Cahaba River.

In 1891, Col. John Y. Fanning, a distinguished hydraulic engineer, who was engaged by the Water Works Company to make a general examination of and report on the company's properties, examined the site of the contemplated impounding reservoir on Five Mile Creek, and after doing so gave it as his opinion that it would be entirely safe to build a dam thirty feet high. I contemplated one fifty feet high, at which elevation sufficient storage capacity would be provided and it would also be practicable to divert the overflow by a spillway into another valley.

Some years later also Lieut. Ridley, of the U.S. Engineers, who made the survey for the projected Van Hoose Canal, examined the site and adopted it as a water supply for the canal. But he had at command Uncle Sam's purse and unlimited time, whereas I was under the necessity of providing a water supply both sufficient in quantity and at a cost that would yield dividends, and I believed that the same expenditure of money on the Cahaba water shed would produce far more satisfactory results. Hence my decision and time has proven its wisdom.

One use remains to which this property may be put. It comprises several hundred acres that will make the most beautiful park in the State of Alabama, and it is sufficiently near the city, with splendid roads and street car facilities, to make it easily accessible for such a purpose.<sup>57</sup>

I have omitted to mention that on January 1st, 1887, all of the physical property, together with all franchises, rights of way, etc., owned by the Elyton Land Co., and used for water works purposes, were conveyed to The Birmingham Water Works Company, a charter for which had been previously obtained from the Legislature, and the stock of the Water Company given to the Land Company in lieu of such property was issued as a dividend to the stockholders of the Elyton Land Co.<sup>58</sup> As soon as the surveys made for that purpose were sufficiently completed to make it prac-

<sup>56</sup>See Caldwell, *History*, 19-21.

<sup>57</sup>This was a proposed artificial lake which Mr. Milner called "Mountain Lake". It was to lie in a natural watershed some eight to twelve miles north of Birmingham. DuBose, *Jefferson County*, 184.

<sup>58</sup>See Elyton Land Company Minute Book, 254-62.



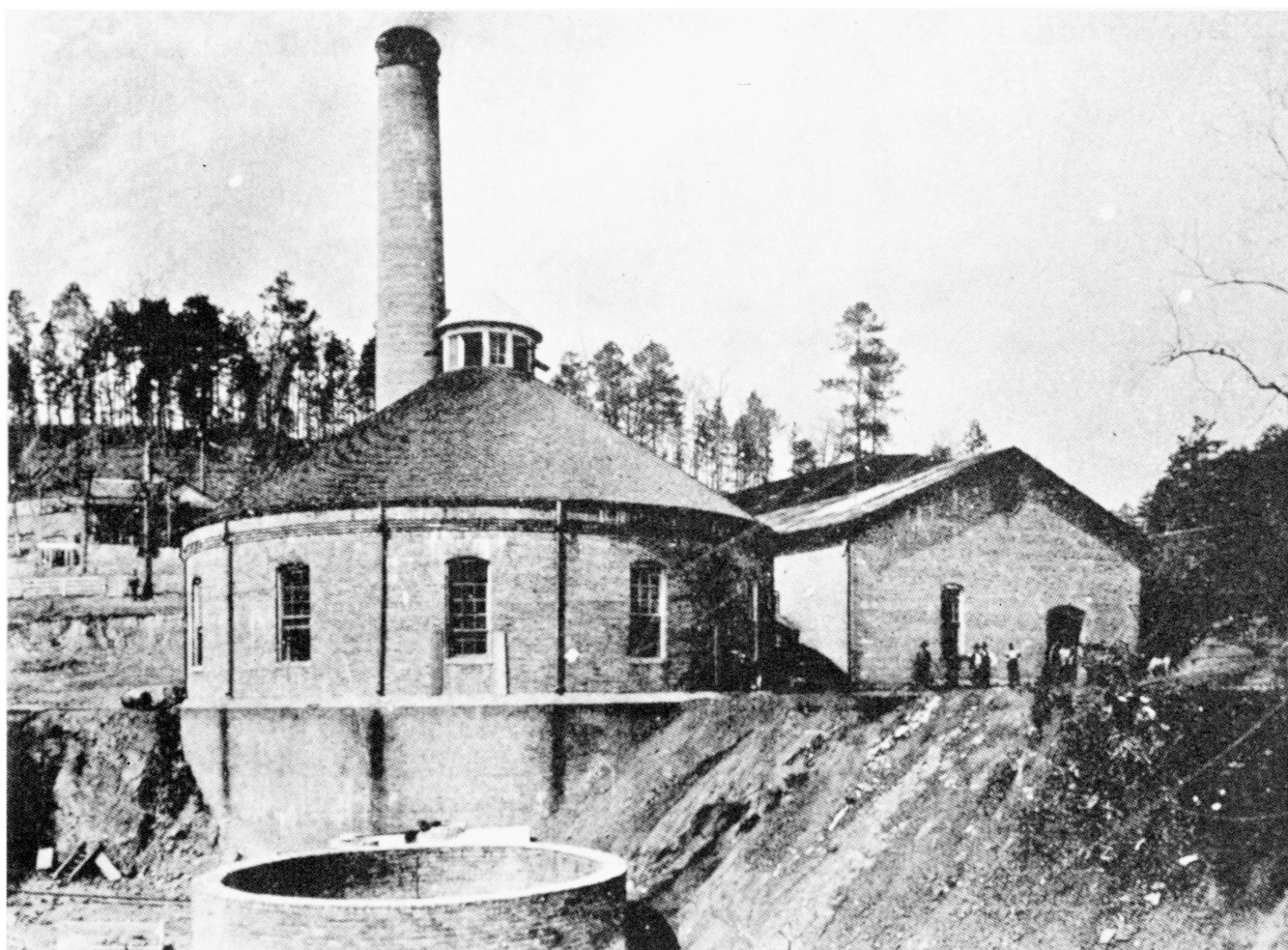
licable to make an estimate of costs of the Cahaba Extension this was done, showing that the work of constructing such a system as I thought should be provided would nearly reach a half million dollars. This estimate, however, did not include any provision for fuel or for the purchase of lands that might be needed. This could not be done until more thorough surveys had been made.

I had, as may well be imagined, given the most careful study to the great problem with which I was charged, which had been by the company and its officers left entirely to my decision in all its details.

I had engaged Mr. J. S. Walker, as my assistant, while the construction was in progress, and left much of the detail work to him. The surveys had been made by H. K. Milner and A. C. Edwards as his assistant. Later Mr. Robert L. Johnson was added to the engineering force.

I now prepared the contract with the city,

which was executed in June 1888, A. O. Lane being Mayor. In this contract I was careful to preserve a safe margin between the contractual obligations of the company and the plans I had determined upon and which were carried out in the construction. For instance the contract calls for a main twenty-four inches in diameter, whereas a thirty-inch main, which is more than fifty per cent greater capacity, was put in. A reservoir of twenty-five million gallons capacity was named in the contract, whereas more than five times the capacity was provided. Indeed, I endeavored in all things to plan for the future and to provide a system of work that could be extended and expanded without change or loss to meet the requirements of the future. Time has shown that in this I succeeded. Even the filtration plant, which was put in some years later, was included in my plan, and the land upon which it is now built was purchased by me when it was possible for me to do so at a small price.



Birmingham Water Works, Cahaba Pumping Station  
A photograph from the collections of the Birmingham Public Library.

The water was turned into the city from Cahaba River December 24th, 1890, more than two and a half years after the work was begun—which was one week before the date specified in the contract, notwithstanding the very serious and unforeseen delays encountered in the tunnel under Red Mountain.<sup>59</sup>

After the completion of the works and their acceptance by the city, I was told that there was some criticism of my work, and that some of the directors were uneasy lest I had committed some serious blunder either in the planning or the construction of the work. Therefore at the Annual Meeting of the Stockholders in May, 1891, after I had made my report to the directors, I tendered my resignation as Superintendent. The directors being the same I also at the same time tendered my resignation as Secretary of the Elyton Land Company, a position which I had held officially since July 25th, 1871.<sup>60</sup> I at the same time severed my connection with the Highland Avenue & Belt R.R. They accepted my resignation as Secretary of the Elyton Land Co. and as Superintendent of the Highland Avenue & Belt Railroad, but declined to accept my resignation as Superintendent of the Water Works Company, which they requested me to withdraw. I told them I would do so if they would employ some hydraulic engineer

of good standing and repute, whose report would be satisfactory to them, to come and examine my work and give them such report as the facts justified. This suggestion appealed to them and they instructed me to engage the services of such an engineer as early as I could.

I told them that Col. John Y. Fanning of Minneapolis was one of the most distinguished engineers I knew, his standing being equal to any other. I was then authorized to engage him, and succeeded in doing so, but his other engagements were such that he could not come before December.

One of the reports which had been conveyed to the Directors in criticism of me was that the supply of water available from the Cahaba water shed was wholly inadequate to justify the expenditure, and that the water supply would result in disappointment. Another criticism was that the large reservoir on Shades Mountain would be a failure, that the bottom was so porous that the water would leak out as fast as it could be pumped in.

Col. Fanning came in December, 1891, and made a thorough and careful examination of the works, spending about two weeks' time in doing so. Two capable young engineers were placed

<sup>59</sup>The following information regarding the two tunnels, the Bald Ridge and Red Mountain tunnels, which were constructed to link the Cahaba pumping station and the City of Birmingham was provided by The Birmingham Water Works Board.

The Bald Ridge Tunnel was erected during the year 1889 and is located north of the Shades Mountain filtration plant. The 30 foot and 42 foot supply mains from the Shades Mountain filtration plant are carried in the tunnel. The tunnel is arched-shaped and is constructed of brick laid in cement mortar, being 141 feet long by 12 feet 6 inches wide at the bottom and 7 feet high. The brick arch of the tunnel is 13 inches thick. The excavation for the tunnel was in rock.

The following is a summary of the principal items entering into the construction of the tunnel:

- 3,183 cubic yards of rock excavation at the south approach of the tunnel
- 670 cubic yards of rock excavation through the tunnel
- 1,237 cubic yards of rock excavation at the north approach of the tunnel
- 6,140 brick in the south portal of the tunnel
- 4,980 brick in the north portal of the tunnel
- 517 brick in the piers at the north portal of the tunnel
- 73,094 brick in the arch of the tunnel.

The Red Mountain Tunnel was constructed during the years 1888-1890. The total length of the tunnel is 2,167 feet, the average section is 7 feet 6 inches high by 13 feet wide. The excavation for a length of 560 feet at the south end was open cut and the balance of the length was tunneled.

The character of the excavation was rock and red clay, the total length of the rock sections being 1,033 feet and the earth sections 1,134 feet. The earth sections have a 13 inch thick lining.

There is a stone masonry building at the north portal, being 13 feet by 9 feet by 9 feet 6 inches, with a 4 inch reinforced concrete roof. The walls of the building are 18 inches thick.

There is a brick building at the south portal of the tunnel, being 30 feet by 15 feet by 11 feet. The foundations are of concrete; the roof is of #28 gauge sheet iron and tar and grand roofing. The thickness of the walls is 13 inches.

The tunnel was built by contract, two contracting firms abandoning the work before completion due to difficulties encountered; many mud pockets were tapped, which filled the tunnel opening for lengths of 20 and 80 feet with mud and water.

The following is a summary of the principal items entering into the construction of the tunnel:

- 4,284 cubic yards of rock excavation
- 5,377 cubic yards of earth excavation
- 563,500 brick for the earth sections' lining
- 11,312 brick for the ends of the earth sections' lining.

<sup>60</sup>It is interesting to note that no reference appears in the Elyton Land Company Minute Book regarding Milner's resignation as Superintendent of the Water Works Company or as Secretary of the Land Company.

at his disposal to do any field work or to make any calculations he might desire. His report was very comprehensive and satisfactory. His attention was especially called to the two criticisms mentioned. As to the supply of water that could be obtained, he believed there was sufficient for the city until its population reached a third of a million, or even a half-million. As to the criticism in regard to the large reservoir, twenty-five years' use as demonstrated that their fears were absolutely without foundation.

Being thus relieved of any responsibilities as to the Elyton Land Company and the Highland

Avenue and Belt R.R., my sole attention was given to the management of the water works, which duties gave me abundant opportunity for trouble and worry.

I continued to discharge these duties for some years after. The following letter to Mr. James T. Woodward of New York, President of the Water Works Co., will give some idea of my relations to the Water Company at this time.

The original of this letter was turned over by Mr. Woodward to Mr. Kuhn, President of the American Water Works & Guaranty Co., who gave me the copy given below:

*Birmingham, Ala.  
November 14th, 1898*

*James T. Woodward, Esq.  
NEW YORK*

*My dear Sir:*

*I suppose you are advised that I tendered my resignation some weeks ago to take effect as soon as my successor could be appointed, not later than November 1st. The committee requested me to withhold my resignation until they could have ample time to consider the matter, with the suggestion that perhaps a few weeks' rest may restore my health and enable me to continue my duties a while longer, which I have consented to do. I expect to leave in a few days for trip of several weeks to Central America. Before leaving I beg to make some suggestions in regard to the situation here.*

*As you know, the construction and management of the Water Works has been my life work. Nearly twenty-five years of the best portion of my life has been devoted to it, and I could not feel more interested in its success if I were the sole owner of the property. I believe if it fulfills its proper and legitimate mission, it is one of best pieces of property in this section, and I have no intention of offering for sale my small holdings in it.*

*But to make it what it should be, and can be made, every opportunity to extend it, and thereby more securely to accept the field, should be availed of. Therefore the present attitude of the city and the Company towards each other is to be deplored. I think the opportunity for extension in several directions is now upon us, and it will be exceedingly unfortunate if we cannot seize it.*

*Not to mention Woodlawn, Avondale, East Birmingham, Elyton and West End, suburbs which lie contiguous to our system, and are clamoring for us to supply them, the territory to the west of us, including Thomas, Pratt City and Ensley, soon to have a population of 25,000 to 30,000, is wholly without a system of water works. If we do not occupy the field, they will be forced to resort to some other source, possibly a temporary makeshift, but nevertheless sufficient to interfere with our entering the field later. Col. Shook has already told me that they are even talking of going to the Warrior River. This would be a needless expenditure of money if we do our duty and if permitted, we will have a dangerous rival, not only for that territory, but even within the City itself. The situation demands that we adjust matters with the city at once, and put ourselves in position to act; for whatever may be the legal status and eventual outcome, if this opportunity is to be frittered away in litigation, it will be disastrous to the Company and unfortunate alike to the community.*

*I would therefore advise that we make sacrifices if necessary to attain this end, even to the extent of accepting the terms offered by the City. These terms while making a great reduction, are not altogether so bad after all. They contain only one clause which will be worth to us in the next ten years all that we give up, that is the clause limiting the quantity of water which the consumer shall use. With this clause in operation, combined with the general use of meters under the high pres-*



*sure we are compelled to carry, we will recoup very largely what we relinquish, to say nothing of the gains from the natural rapid growth of the community. I believe that if we offer to make a gradual reduction so as to get down to the City's rates two or three years hence, they will accept such a compromise.*

*Furthermore, while as an individual, I am thoroughly satisfied as to the quality of our water, yet the public may and do have suspicions in regard to it.*

*It will be economy on our part to remove any cause of suspicion, even to the extent of filtration, if necessary, provided the waste can be restricted, although, except to allay public anxiety, filtration is not now necessary.*

*Yours very truly,*

A handwritten signature in cursive script, reading "A. J. Milner". The signature is written in dark ink and is positioned below the closing of the letter.

A few months after the date of this letter all the stockholders of the Water Works Company agreed to sell their stock at an agreed price to the American Water Works & Guaranty Company. I joined with the other stockholders and transferred my stock to the purchaser named, and at the same time tendered my resignation as Superintendent, but Mr. Kuhn, the president of the purchasing company, requested me to withdraw my resignation, saying that he wanted me to continue with the company as Superintendent. I replied that I had for some time been endeavoring to be relieved, and that I thought now was a good time to do so. He then said if I would

remain with him he would give me an assistant, who would do under my direction all the work required of me. I thanked him and told him that under those conditions I would remain a short time until my successor could be inducted into and familiarized with the conditions.

I remained about six months, that is until October 1st, 1899, with A. M. Lynn as my assistant, when my resignation was accepted. On this occasion I was presented with a handsome memorial by the employees of the company, the officers of the company participating, and bade farewell to a service of nearly twenty five years.

# ON KEEPING TRACK OF OUR HISTORY

MARVIN YEOMANS WHITING  
Archivist, Birmingham Public Library

In the concluding paragraph of his 1632 essay entitled *De Archivis* the Venetian Baldassare Bonifacio quoted appreciatively the sixth century Byzantine emperor Justinian on the necessity of preserving the documentary evidence of the past.

*And that no sin should be committed against the inviolability and sanctity of archives through the wrongs done by wicked men, and that whatever was left of public instruments should not perish through lack of care or from neglect, Justinian, the most farsighted of emperors, ordered archives to be constructed in separate cities of the Roman world. He wrote to John, prefect of the praetorians, in these words: "Let Your Eminence give orders throughout each and every province that a public building be allocated, in which building the magistrate is to store the records, choosing someone to have custody over them so that they may remain uncorrupted and may be found quickly by those requiring them, and let there be among them an archives, and let that which has been neglected in the cities be corrected."*<sup>1</sup>

Justinian's final injunction, ". . . let that which has been neglected in the cities be corrected," has particular relevance for the Birmingham metropolitan area. In terms of the records—personal, business, organizational or institutional, and governmental—which are the principal sources of the area's history, no other descriptor is more appropriate than Justinian's word "neglected".

As early as 1900, the year in which Thomas McAdory Owen published his report to Governor A. B. Moore on the state of public and private records in Alabama, the effects of neglect were becoming apparent. H. D. Wood, Clerk of the City of Birmingham, reported to Owen the loss of the municipality's first Minute Book, covering the years 1871-1873.<sup>2</sup> That invaluable document, unfortunately remains a casualty of neglect; and what is true of it is equally true of other types of records. The papers of the noted Birmingham area landscape architect, W. H. Kessler, including his proposals for Woodrow Wilson Park, his designs for significant residences in the Mountain Brook area and the bulk of his other sketches for public and private property, have disappeared, and this despite the fact that they were placed

on deposit, ostensibly for preservation, with a metropolitan area municipal government.

Perhaps the most tragic evidence of neglect yet to be uncovered involves the 1959 Birmingham Metropolitan Audit, a joint effort by area citizens and the American and Southern Institutes of Management to identify local resources—personal, political, economic, and social—to assess the needs of the area, and to provide a "blueprint" for future community action in terms of both resources and needs. One phase of the Audit focused upon the collection of historical source material. Citizens were enjoined to dig into attics, basements, trunks, and office files for old records, pictures, letters, posters, or anything pertaining to the area's history. According to an article which appeared in *The Birmingham News* on April 2, 1959, it was the intent of Audit officials to keep all materials collected in an archives—presumably local—and subsequently to make them available to "scholars, research workers and business men" as a "permanent record" of the growth and development of Birmingham and its environs.<sup>3</sup> Tragically, that intention was never realized. It would appear that the relatively sizeable collection of materials

<sup>1</sup>Baldassare Bonifacio, *De Archivis*, ed. and trans. by Lester K. Born, in *The American Archivist*, 4:237 (October, 1941).

<sup>2</sup>Thomas McAdory Owen, ed., *Report of the Alabama History Commission to the Governor of Alabama. December 1, 1900*, in *Publications of the Alabama Historical Society*, vol. I (Montgomery, Ala.: Brown Printing Co., 1901), p. 116.

<sup>3</sup>"City Residents Asked to Help Compile History," *The Birmingham News*, April 2, 1959, p. 46.

gathered was boxed and transported to Louisville, Kentucky, the home of the Southern Institute of Management, where it dropped from sight.

Such evidences of neglect are, unfortunately, numerous. The causes of neglect are, however, few. Perhaps the most prevalent of these causes and the one most antithetical to the historian's concern for the conservation of adequate source materials is the mentality reflected in a question frequently posed to archivists and curators of manuscripts: "Why not burn the stuff?" In the presence of a veritable flood of paper, microphotos, computer tapes, and the like, governmental officials, the officers of organizations and institutions, business executives, members of the time-honored professions, and even individuals more than often elect what appears to be the only means of avoiding an inundation: the periodic destruction of documents, many of which, if appraised by a historian or records' specialist, might well have been judged historically valuable. In the absence of a continuous, well publicized local effort to identify, collect, and preserve historically significant source materials, the presence of such a mentality is not difficult to explain.

Almost as prevalent as the aforementioned cause is a tendency, especially among governmental officials and business executives, to retain records, purportedly for legal or other reasons, long after their actual usefulness to the governmental agency or business has ceased, and to retain them in storage areas which not only encourage their deterioration but also effectively restrict their access to historical researchers. To the historian, the archivist, or the curator of manuscripts, such retention, although certainly preferable to destruction, is no less an instance of neglect. The tendency to retain records after their usefulness to those who created them has been exhausted and to retain them in environments both destructive and restrictive can only be reversed by convincing those who exhibit the tendency that non-sensitive records which are judged to possess historical value, whether public or private, ought to be preserved, not just retained, in a facility designed to ensure preservation and to make what is worth preserving accessible to researchers.

In an attempt to reverse the trend toward neglect of documentary sources—or, in Justinian's terms, to let the neglect "be corrected"—and to foster a different mentality about records among area residents, the Birmingham Public Library,

in 1975, created a Department of Archives and Manuscripts. The department has as its mandate the acquisition of non-book materials—personal papers, business, governmental, institutional, and organizational records, newspapers, photographs, etc.—which relate to the history of Birmingham, the metropolitan area, Jefferson County and the State of Alabama. To date, the materials acquired total more than 800,000 items. Among the significant collections now on deposit in the department are the personal and business papers of Robert Jemison, Jr., prominent Birmingham real estate developer; the personal papers of Erskine Ramsay, local mining engineer, philanthropist, business man, and inventor; the business papers of Donald Comer, Alabama textile mill executive; the personal and professional papers of Raymond Hurlbert, first General Manager of Alabama Educational Television; the Hill Ferguson papers, gathered by a former President of the Birmingham Historical Society; the business records of the Elyton Land Company, the real estate firm which founded the City of Birmingham; similar records for the Avondale, East Lake, Roebuck Springs, and Rugby Land Companies; and the business papers of W. B. Bennett, prominent Bessemer-area surveyor and civil engineer.

The achievements of the Library's Department of Archives and Manuscripts, although noteworthy, do not constitute a reversal of the trend toward neglect of the Birmingham area's historical records. For such a reversal to occur, the City of Birmingham, the various suburban municipalities, and Jefferson County must make a commitment, first, to the preservation of records which have so far survived and which are judged to possess historical significance; second, to the specification in advance of historically valuable records so that their preservation will not be left to chance; and, third, to the preservation of these records in a facility designed to house properly and make accessible for research and reference purposes archival and manuscript materials. In addition, businesses, organizations, institutions, and individuals must be encouraged to conserve the records they create—at least those which appear to have historical value—and to place them on permanent deposit in a local archival and manuscripts' facility.

The danger of a Justinian-styled neglect is apparent: "No sources; no history". The necessity of a "correction" is, therefore, as requisite in our time and place as in Justinian's.

\* \* \* \*



If neglect, whether intentional or not, has too often been the fate of the non-book sources which are fundamental to a history of the Birmingham metropolitan area, the reverse is true of book-type materials. A cursory glance at Ruth Spence's *Bibliography of Birmingham, Alabama, 1872-1972* suggests the volume of separate publications.<sup>4</sup> Despite the volume, a majority of items listed in that bibliography are currently available to the general public—but on a non-circulating basis—in the Birmingham Public Library's Tutwiler Collection of Southern History and Literature; and—on a circulating basis—a number of

the more popular works listed can be obtained through the various public libraries serving Birmingham, the suburban areas, and Jefferson County.

The bibliography which follows is both a supplement and an addition to the Spence list. Of particular importance are the magazine and newspaper articles, dating from the 1960's and early 1970's, which were not included in the Spence bibliography but which provide at least partial insight into the views of Birmingham held by non-residents.

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<sup>4</sup>Ruth S. Spence, comp., *Bibliography of Birmingham, Alabama, 1872-1972* (Birmingham, Ala.: Oxmoor Press, 1973), Supplement, 1975. Copies of this publication are available to the public at \$5.00 per copy from the Birmingham Public Library, 2020 Seventh Avenue, North, Birmingham, Alabama 35203.

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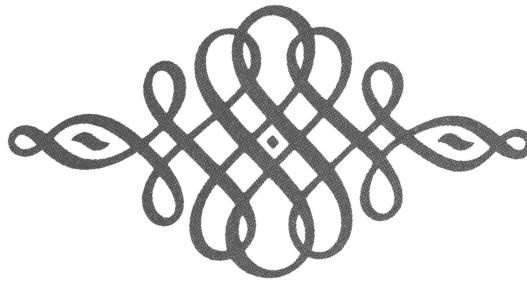


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# HISTORICAL MARKERS ERECTED BY THE BIRMINGHAM HISTORICAL SOCIETY

COMPILED BY HENRY DELEON SOUTHERLAND, JR.

- 1948—Walker Memorial Church, on N. E. corner of Tuscaloosa Avenue and Third Street, S.W., Elyton.
- 1949—O'Brien Opera House, on N.W. corner of First Avenue and Nineteenth Street, North. Wall plaque.
- 1949—The Relay House, on S.W. corner of Morris Avenue and Nineteenth Street, North.
- 1949—Linn's Folly, on N.E. corner of First Avenue and Twentieth Street, North. Wall plaque in the lobby of the Brown-Marx Building. (This marker was removed during redecoration of the building lobby, remained in storage for several years, and was only re-erected in 1976.)
- Irondale Furnace, on south side of U.S. Highway 78 just west of Montevallo Road in Irondale. (Marker was probably erected about 1950 and destroyed about 1960.)
- 1956—B. P. Worthington, on S.E. corner of Thirty-first Street and Sixth Avenue, North.
- 1960—First Tuberculosis Sanatorium, on S.E. corner of Cahaba Road and Park Lane, English Village.



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