

APRIL - JUNE 2023

ALABAMA BENCH AND BAR HISTORICAL SOCIETY NEWSLETTER

A Short Introduction to Law Firms in Alabama By Tim Lewis

Law firms and partnerships have a long history in Alabama. One of the earliest known partnerships in Alabama was J.M. Taylor & B. Brandon in Huntsville founded in October 1823. The attorneys were J.M. Taylor and probably Byrd Brandon. Partnerships were also very fluid and in 1827 we find that Brandon is now partners with James M.M. White. Very little information survives regarding law partnerships and firms in early Alabama. An exception is Ball and Crommelin, founded in 1833. George C. Ball and Charles Crommelin entered into a partnership in 1833, the year Crommelin was admitted to the Bar. Ball had previously been associated with the firm of Thorington and Dargan which was also known as Dargan and Ball, Dargan being Edward Spann Dargan who became Chief Justice of the Supreme Court of Alabama in 1849. Ball would later become Clerk of the Supreme Court from 1848 to 1852. The Alabama Department of Archives and History has many of the legal papers of Ball and Crommelin including correspondence from 1823. Ball and Crommelin dissolved in 1850.

The late 1800's in Alabama was a time when many law firms were established that stood the test of time. In 1887, Edgar Albritton was admitted to practice law in Alabama and began a practice which had Albritton family members as partners throughout its more than one hundred and twenty-eight year history. Birmingham, the Magic City, became the home of many large firms. Edward H. Cabaniss, who was admitted to the practice of law in 1887, he formed a firm, Cabaniss and Weakley with Samuel D. Weakley in 1889 in Birmingham. In 1906, Weakley was appointed as Chief Justice of the Supreme Court of Alabama. A year later Cabaniss and Forney Johnston, admitted in 1900, formed the firm of Cabaniss, Johnston which later grew into one of the largest firms in Alabama, Cabaniss, Johnston, Gardner, Dumas and O'Neal. After one-hundred-fourteen years of existence, Cabaniss merged with the firm of Phelps, Dunbar in 2021.

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Alabama Bench and Bar Historical Society
will be at the
Alabama State Bar Annual Meeting
Grand Hotel—Fairhope, AL
July 12—15

Visit us at Booth # 21

Preserving the History of Alabama

EXECUTIVE DIRECTOR'S
COLUMN



Hello Again,

It has certainly been a wet and hot start to summer this year! Hopefully, our members are staying dry and cool.

I hope you enjoyed the first part of the R.C.O. Benjamin story. The rest of the story is in this edition of our newsletter.

In this issue we begin another story - one about Walter Chamberlin: Courthouse Architect. It will also be a two-part article. Be sure to look for it. It was written by our board member Sam Rumore. Mr. Rumore has done extensive research on Alabama's Courthouses and I have heard that there may be a book coming sometime in the future.

Are you planning on attending the Alabama Bar Annual Meeting at the Grand in Fairhope this year? If so, please stop by our booth, # 21, and say hello. We love meeting our members in person and chatting. Bring someone with you that is not a member and if they join we will have a gift for you.

As always, we are looking for interesting historical articles to include in your newsletter. If you have one or know someone who might, please send me a email including the contact information.

Jschultz.alabamabenchandbar@gmail.com

Janice



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BENCH and BAR

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PART TWO
R.C.O. BENJAMIN: A PIONEERING BLACK LAWYER IN ALABAMA AND ELSEWHERE

by Hon. John G. Browning
Contributing Columnist

In 1892, R.C.O. Benjamin married Lula M. Robinson with whom he had a son and daughter. Benjamin moved his family to Rhode Island by 1895, where he soon resumed practicing law after being admitted to that state's bar. But by 1897, Benjamin was on the move yet again—this time to Lexington, Kentucky. There, Benjamin once again assumed the mantle of journalist, becoming the editor of the *Lexington Standard*.³⁰

Benjamin had not abandoned his interests in law and politics, however, and they soon collided. In the 1899 Kentucky gubernatorial election, Republican William S. Taylor won a contentious election over Democrat William Goebel by only 2,383 votes. The Board of Elections (a body created by legislation proposed by then State Senator Goebel and manned by pro-Goebel Democrats) surprisingly ruled that ballots disputed by the Democrats should count. Kentucky's General Assembly then invalidated enough ballots to award the election to Goebel. Tempers flared and chaos ensued while the election results were disputed, and many feared a civil war.³¹ Despite being warned about the threat of assassination, Goebel walked to the Old State Capitol building on the morning of January 30, 1900 accompanied by two bodyguards. Shots rang out and Goebel sustained a serious chest wound. Despite being shot, he was sworn into office that evening.

Goebel died just three days later, becoming Kentucky's shortest-serving governor and the only state governor to die by assassination. William S. Taylor, who had been inaugurated on December 12, 1899, only to have the election results invalidated fifty days later, pursued a legal challenge to the election that ended unfavorably at the U.S. Supreme Court. Goebel's lieutenant governor, J. C. W. Beckham, ascended to the governorship. Taylor was indicted as an accessory to Goebel's assassination and fled to Indiana, where the governor refused to extradite him. A total of sixteen people (including Taylor) were indicted for the crime, but only five went to trial.

Among those were Caleb Powers, Taylor's Secretary of State, who stood accused of masterminding the assignment plot so that his boss, Governor Taylor, could remain in office. Powers turned to R.C.O. Benjamin for legal representation (Benjamin also represented another defendant, Richard "Tallow Dick" Combes).³² Although Powers was found guilty, an appeals court overturned the conviction.

Tragically, however, Benjamin would not be around to see the case through appeal. Benjamin was active in galvanizing Lexington's Black community; among other efforts, he organized the Independent Negro Political League, a reaction to how the Republican Party was slow to advocate for issues of importance to the Black community. On October 2, 1900, Benjamin was assisting in efforts to register Black voters in Lexington,³³ when a white man (later identified as Michael Moynahan) was harassing and attempting to intimidate a group of Black men who were registering to vote, Benjamin confronted him. Moynahan "pistol-whipped" Benjamin; police were summoned, and Moynahan was arrested for assault. However, his jail stay didn't last long; released that evening, Moynahan went to Benjamin's house to ambush the lawyer. Benjamin saw Moynahan and tried to flee but was shot in the back six times and killed. Moynahan incredibly pleaded not guilty by reason of self-defense and the case was dismissed, just one more in a long line of white-on-Black racial violence during the Jim Crow era that would go unpunished.³⁴ As one Black newspaper in Washington, D.C. described it,

We are pained to chronicle the murdering of the bold and fearless editor. He was murdered in the cause of his race, while contending for the rights of the negro to be registered and allowed to vote. Just how he was murdered will

Continued from page 3

perhaps never be known. We read the conflicting accounts in the papers, and nothing definite can be gleaned therefrom. We hope future investigations will throw more light upon the case.³⁵

During his time in Alabama, R.C.O. Benjamin may not have tried any big cases. However, as a newspaper editor in Birmingham, he was relentless in serving as a voice for the Black community and in striving to better conditions for that community. Indeed, despite being the first Black lawyer in California and being admitted to practice in as many as a dozen jurisdictions, Benjamin's most lasting legacy may be that of intrepid journalist and editor for as many as eleven newspapers around the country. Renowned historian George C. Wright, former president of Prairie View A&M University and now an emeritus professor of history at the University of Kentucky, has been working on the definitive biography of the remarkable Mr. Benjamin for some years now. His research has taken him from the Colonial Records Office in London to the northeast United States, to Kentucky, Alabama, Arkansas, Tennessee, California, and finally Kentucky again. While his forthcoming work deserves to be the final work on this forgotten Black leader, suffice to say that while R.C.O. Benjamin's interests and pursuits may have transcended the law, his work sought to ensure the law's protections for all.

1 WILLIAM J. SIMMONS, *MEN OF MARK: EMINENT, PROGRESSIVE, AND RISING* 990-94 (1887)

2 IRVINE GARLAND PENN, *THE AFRO-AMERICAN PRESS AND ITS EDITORS* (1891)

3 George C. Wright, *Benjamin, Robert Charles O'Hara*, AM. NAT'L BIOGRAPHY ONLINE (Feb. 2000).

4 SIMMONS, *supra* note 1, at 992.

5 *Id.*

6 DELILAH L. BEASLEY, *THE NEGRO TRAILBLAZERS OF CALIFORNIA*, 195 (1919).

7 Harper, Nathaniel R., *NOTABLE KENTUCKY AFRICAN AMERICANS DATABASE*,

<https://nkaa.uky.edu/nkaa/items/show/735>.

8 BEASLEY, *supra* note 6.

9 *Id.*

10 M. CLAY SMITH, *EMANCIPATION: THE MAKING OF THE BLACK LAWYER, 1844–1944*, at 338 (1993).

11 See generally John G. Browning, *Blazing the Trail: Alabama's First Black Lawyers*, 83 *ALA. LAW.* 25–25 (Jan. 2022).

12 *THE MONTGOMERY ADVERTISER*, July 30, 1881, at 1.

13 *THE HARTSELLE SENTINEL*, Aug. 16, 1881, at 2.

14 Wright, *supra* note 3.

15 ROBERT C. O. BENJAMIN, *POETIC GEMS* (1883).

16 Wright, *supra* note 3.

17 PENN, *supra* note 2.

18 LYNNE B. FELDMAN, *A SENSE OF PLACE: BIRMINGHAM'S BLACK MIDDLE-CLASS COMMUNITY, 1890–1930* (1999).

19 *Id.*

20 *THE APPEAL*, Apr. 2, 1887, at 1.

21 BEASLEY, *supra* note 6.

22 *Id.*

23 *Id.*

24 *Id.*

25 *Id.*

26 ROBERT C. O. BENJAMIN, *THE LIFE OF TOUSSAINT L'OUVETURE: WARRIOR AND STATESMAN* (1888).

27 ROBERT C. O. BENJAMIN, *DON'T: A BOOK FOR GIRLS* (1891).

28 ROBERT C. O. BENJAMIN, *SOUTHERN OUTRAGES: A STATISTICAL RECORD OF LAWLESS DOINGS* (1894).

29 For a Colored Chaplain, *WASH. TIMES*, Feb. 11, 1895, at 6.

30 Benjamin, R.C.O., *NOTABLE KENTUCKY AFRICAN AMERICANS DATABASE*,

<https://nkaa.uky.edu/nkaa/items/show/1748>.

31 See generally JAMES C. KLOTTER, *WILLIAM GOEBEL – THE POLITICS OF WRATH* (1977); HAMBLETON TAPP & JAMES C.

KLOTTER, *KENTUCKY: DECADES OF DISCORD, 1865–1900* (2021).

32 *A Brave Editor Killed*, *COLORED AM.*, Oct. 13, 1900, at 15.

33 Wright, *supra* note 3.

34 Moynahan would later go on, years later, to shoot one police officer and stab another in separate incidents. For an excellent look at the pattern of racial violence going unpunished in the early and mid-twentieth century South, see MARGARET A. BURNHAM, *BY HANDS NOW KNOWN: JIM CROW'S LEGAL EXECUTIONERS* (2022).

35 *A Brave Editor Killed*, *supra* note 32.

Continued from Cover Page

Hewitt and Walker was founded in 1871 by Goldsmith Hewitt and William A. Walker. The firm went through many name changes until it became Bradley, Arant, Rose, and White in 1963. In 1905, John Walker Percy and Augustus Benners founded the firm of Percy and Benners. In 1909, Borden Burr joined the firm and nine years later James A. Forman became a partner. After many additions and mergers, the firm was known as Thomas, Taliaferro, Forman, Burr & Murray. In 1986, this firm became the law firm of Burr & Forman, still in existence in Birmingham after one-hundred and eighteen years.

Balch Bingham was founded in 1922 by William Logan Martin Jr. as Martin, Thompson & Turner. In 1983, then known as Balch, Bingham, Baker, Hawthorne, Williams & Ward, the firm merged with Montgomery partnership Smith, Bowman, Thagard, Crook & Culpeper. In 1985, the firm's name was changed to Balch & Bingham in recognition of partners Eason Balch and John Bingham.

Lange, Simpson, Robinson and Somerville was founded in 1919 and merged with Adams and Reese eighty-four years later. Hare, Wynn, Newell and Newton, founded as Bowman and Harsh in 1890 has been in existence since that time.

Montgomery and Mobile had their own prestigious firms. In Montgomery, Steiner, Crum and Baker was founded in 1890 by Robert E. Steiner while Rushton, Stakely, Johnston, and Garrett, was founded that same year by Ray Rushton. Also in Montgomery, was Ball, Ball, Mathews and Novak founded in 1891 and Hill, Hill, Carter, Franco, Cole, and Black.

Lyons, Pipes, and Cook, was founded in Mobile in 1899 by Joseph H. Lyons, a graduate of Harvard Law School. Initially the firm was comprised of two partners, Lyons and Thomas M. Stevens, and was known as Stevens & Lyons. After the partnership dissolved, Lyons formed the firm of Lyons & Courtney. At various times, the firm has been known as Lyons, Chamberlain & Courtney; Lyons & Thomas; Lyons, Thomas & Pipes; and Lyons & Pipes. William H. Armbrecht started his law practice in 1897. In 1906, he and W.B. Inge formed the partnership of Inge and Armbrecht which became Armbrecht, Hand, & Twitty in 1930, Armbrecht, Inge, Twitty & Jackson in 1939, Armbrecht, Jackson, McConnell & DeMouy in 1956, Armbrecht, Jackson, DeMouy, Crowe, Holmes and Reeves in 1976 and finally Armbrecht and Jackson.

The ABBHS wishes to highlight the history of the many prestigious law firms in Alabama. Toward that goal, we are asking that members or nonmembers contribute histories of their own firm, or that of other firms, existing, dissolved or merged so that we can publish these histories. Please contact:

Janice Schultz at jschultz.albenchandbar@gmail.com or

Tim Lewis at tlewis@alabamabenchandbar.org



This is blank because we have had no new member's join during April, May and June 2023. If each of our members would get just one person to join that would be amazing!

There and (almost) Back Again

By Tim Lewis

Imagine traveling from Greenbrier County, Virginia to San Antonio, Texas, about 1,412 miles. One thinks, “not too bad, about 21 hours by car, much less by jet.” Imagine, however, it is 1840 not 2023 and you have to walk, ride or travel by boat! That’s not at all the same. Now we are talking weeks or months, not hours. Nevertheless, people did it, even before 1840. Some made it and some didn’t. And believe it or not, some made it and then turned around and came back! Anderson Hutchinson was one of these people, except that he took some detours along the way from his birthplace of Greenbrier County, Virginia where he was born in 1798. After education in public school, Anderson studied law in the office of his father, Isaac, who was the clerk of the Greenbrier County Court. Like many young lawyers, Hutchinson moved to Knoxville, Tennessee (a mere 300 miles) where he was admitted to the Bar of Tennessee. In 1821, Hutchinson was admitted to the Bar in Huntsville, Alabama (another 200+ miles), where he practiced law until 1840 when he and his sixteen-year old wife, Mary Anna, caught the GTT (Gone to Texas) bug and moved to Austin, Texas (ouch! Almost 900 miles!). He set up a law practice, there, and in 1841, he was appointed judge of the Fourth (Western) District, an appointment which made him automatically a member of the Supreme Court of Texas. “Great, all this traveling was worth it!”

Or maybe not. One of Judge Hutchinson’s first cases involved Alphonse Dubois de Saligny, French chargé d'affaires (a diplomatic official who takes the place of an ambassador temporarily) to The Republic of Texas. De Saligny had a dispute with Richard Bullock, an inn keeper, over Bullock’s free-range pigs which broke into the de Saligny’s stables, ate corn intended for the horses and also broke into de Saligny’s residence, destroying linens and papers. When several of the pigs were killed, Bullock accused de Saligny’s servant of killing them and then beat the servant and threatened to beat the French diplomat also.

Believe it or not, this event caused an international incident when de Saligny invoked diplomatic immunity for himself and his servant and demanded that the Texas government punish Bullock. Locally known as “The Pig War,” this incident resulted in a trial with Hutchinson as presiding judge. Bullock was acquitted and de Saligny, broke relations with Texas and relocated to Louisiana. He eventually returned to Texas in 1842.

But the worst thing to happen to Hutchinson was on March 5, 1842 when, as Hutchinson was holding court in San Antonio, 700 Mexican soldiers led by General Rafael Vasquez captured the town! Judge Hutchinson and fifty other Texans were forced to march to Perote Castle in the state of Veracruz, Mexico (only about 800 miles). From December 1842 until March 1843, they were held prisoner in the dungeons at Perote Castle until the U.S. minister to Mexico, Waddy Thompson, negotiated their release (obviously, Mr. Thompson was a better diplomat than Monsieur de Saligny).

Once freed, Judge Hutchinson went to Raymond, Mississippi (over 2,000 miles) where he tendered his resignation from the Texas bench and resumed the private practice of law in Mississippi. In 1848, Hutchinson compiled the *Code of Mississippi Being an Analytical Compilation of the Public and General Statutes of the Territory and State*. He died in in 1853 in Mississippi aged 55 years. One has to wonder if the over 4,200 miles he traveled had something to do with his death. To add insult to injury, Judge Hutchinson was not listed as a Supreme Court Justice in *Dallam’s Opinions*, the first compilation of Texas Supreme Court cases.

*PART ONE**CHURCH AND STATE IN BIRMINGHAM, ALABAMA**SIDE BY SIDE ON BLOCK 75*

BY Samuel A. Rumore, Jr.

One of the founding legal principles of the United States is its respect for the separation of Church and State. However, for more than 50 years, Church and State were physically very close in Birmingham, Alabama. In fact, they occupied the same block – Block 75 – of the original Elyton Land Company survey of Birmingham. This presentation will tell the story of how St. Paul's Church and the Jefferson County Courthouse came to have their properties located next to each other on Third Avenue North.

Alabama became a state on December 14, 1819. Jefferson County was established by the Alabama Territorial Legislature one day before statehood on December 13, 1819. The county seat was temporarily located at Carrollsville in what is now the Powderly neighborhood in western Birmingham. The first court convened on the second Monday in March 1820.

In the early days of Jefferson County, much land was publicly owned by the Federal government. Congress sold the public lands to raise revenue. It also routinely made land grants to charitable organizations which could also sell the land and retain the sale proceeds for their charity. One of these organizations was founded in 1817 and later became known as the American School for the Deaf of West Hartford, Connecticut. This group received such a grant of land in Jefferson County, Alabama. William Ely, as representative of the school, oversaw the sale of the land and he donated a parcel to Jefferson County for a courthouse. In gratitude to William Ely, the community that grew up around the courthouse was named Elyton and the first courts were held in Elyton on September 11, 1820.

Meanwhile, the city of Tuscaloosa had been incorporated on December 13, 1819. Catholic families had begun to worship there as early as that year. Tuscaloosa later served as the capital of Alabama from 1826 to 1847. Over the years, Catholics met for services and Mass in hotels, homes, rented buildings and even the State House. However, a Catholic church building was not erected and dedicated until January 25, 1846. St. John the Baptist became the patron and namesake for this Catholic community.

The city of Birmingham was incorporated on December 19, 1871. It was located approximately two miles east of Elyton at the junction of two railroads which were recently completed and which crossed in Jefferson County. In April 1872 the Elyton Courthouse burned but was rebuilt on the existing foundation using the floor plan of the previous courthouse as much as possible.

In the meantime, the promoters of the new city of Birmingham became ambitious for their town and they influenced the Alabama Legislature to call an election so that the citizens of Jefferson County could vote on whether Elyton or Birmingham should be the county seat. The election was held on the first Monday in May 1873. At this time the circuit court had held only one term in the newly re-constructed Elyton Courthouse.

The 1873 county seat election in Jefferson County has gone down in history as one of the “classics” in Alabama politics. The promoters of Birmingham staged a gigantic barbecue on election day. They brought in special trains to carry voters to the polls. They had a band. It was reported that “Jefferson County” residents from as far away as Walker and Blount counties voted in this election. Many of the newly enfranchised African-Americans in the area were eligible to vote. They feasted at the Birmingham boosters’ barbecue and were encouraged to vote for Birmingham. Also, in this election, voters were not required to cast their ballot in their home box or beat. To say that controls were lax is an understatement. Needless to say, Birmingham received a majority of the votes.

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The first courthouse in Birmingham was built on land donated by the founding real estate firm of the city, ironically named the Elyton Land Company. This lot was located at the northeast corner of Third Avenue and Twenty First Street North. The architect for the building was W. K. Ball and the builder was Frank P. O'Brien, a prominent Catholic layman who would later become mayor of Birmingham. The cost of the courthouse was \$30,500 and the first court sessions were held there on Monday, May 17, 1875.

The courthouse was described as being a two-story red brick building with dimensions of 64 by 86 feet. It had a dome which contained a clock with four faces. On the front pediment facing Third Avenue sat a zinc eagle atop a globe. It was reported that the first-floor ceilings were 15 feet high, the second-floor ceilings were 14 feet high, and the circuit courtroom chamber ceilings were 22 feet high. The property was legally described as the West 150 feet of Block 75, Elyton Land Company Survey of Birmingham.

By this time, the Catholic community in Birmingham had petitioned the Bishop of Mobile to establish a Catholic mission in the new city. Bishop Quinlan (1859-1884) sent Father William J. McDonough, pastor of St. John's in Tuscaloosa, to establish the mission. He offered the first Mass in Jefferson County at the home of Michael Cahalan, a two-room log cabin located at the northwest corner of Fourth Avenue and Twenty First Street North, on Sunday October 18, 1871.

Now it should be noted that Birmingham was founded as an industrial town and it attracted a "rougher" element of settler who came seeking their fortune. They were hard working and "harder" drinking individuals. Saloons were common and so was violence. The founders of Birmingham had the foresight to "civilize" early Birmingham by granting real estate parcels to five pioneering religious institutions in 1871 and 1872. These properties were to be used to establish churches and would revert back to the Elyton Land Company if they were no longer used for such purposes. The Catholic Church was granted a lot, 50 by 140 feet, on the southwest corner of Third Avenue and Twenty Second Street North. A frame building, 30 by 60 feet, was completed for the mission as a temporary church in June of 1873. The St. Paul's mission was served by priests who came from Tuscaloosa and Selma.

As the Catholic community in Birmingham grew in numbers it became clear that a bigger church structure would be needed. Bishop Quinlan had the vision to purchase a portion of Block 75 on the northwest corner of Third Avenue and Twenty Second Street North for a future Catholic Church, rectory, and school.

The first resident pastor of St. Paul's was Father John J. Browne, who became pastor on Ash Wednesday, February 11, 1880. He immediately went to work and had a two-story, four room residence constructed on the newly purchased property on Block 75. In May of 1880, the little frame church on Twenty Second Street was placed up on rollers and physically moved by mules to Block 75, next to the new rectory. The corner portion of the block was left vacant for the future construction of a larger, brick church. Thus, in May of 1880, after the Catholic Church building was moved, Church and State, the little frame church building and the county courthouse, were located on lots side by side on Block 75. This would continue for more than 50 years. By July 31, 1881, the church building which had been enlarged, renovated, and redecorated was re-dedicated by Bishop Quinlan.

In the intervening period of time at the courthouse, the building continued to serve the county for 12 years. However, in 1887, it was determined that its foundation had become dangerous and the building could no longer be used safely. Plans were made to demolish the courthouse and build a newer, grander structure. But there was a problem. The county would need more land to build a bigger courthouse. Since the county owned a 150-foot frontage of Block 75 and the Catholic Bishop of Mobile owned a 250-foot frontage, the solution was for the county to purchase 50 feet of property from the Church. Bishop Jeremiah O'Sullivan, 4th Bishop of Mobile (1885-1897), sold the 50-foot parcel to Jefferson County for \$50,000 on October 14, 1887. These funds illustrate the close connection between the Church and State in Birmingham because they were set aside and helped to make possible the construction costs of a large, professionally-designed Gothic styled church.

Part Two of "Church and State in Birmingham, Alabama, Side by Side on Block 75" will be continued in the July - September issue of the ABBHS Newsletter.

“DOCERE”

The Alabama Bench and Bar Historical Society sponsors the Heflin-Torbert Judicial Building (“HTJB”) Docents. What is a Docent? A Docent by definition comes from the Latin word *docere* meaning “to teach.” For over more than 100 years, docents have been a vital link between the history and collections of American museums and historic sites and the public who visit them. Since 1994, the HTJB has employed Docents as volunteers to give tours of the building. Most scheduled tours consist of seeing the Rotunda, Law Library, one of the Intermediate Appellate Courtrooms and the Supreme Court Courtroom. During these stops, the Docent explains the history, the architecture, and how the Alabama appellate system works. Tours last for forty-five minutes.

The Alabama Supreme Court & State Law Library Public Education Coordinator, Suze Long, oversees the Docents training as well as scheduling all the tours for the HTJB. Many groups visit the HTJB from fourth grade to high school, college interns and clubs, leadership groups, military groups, civic organizations and even international visitors and dignitaries.

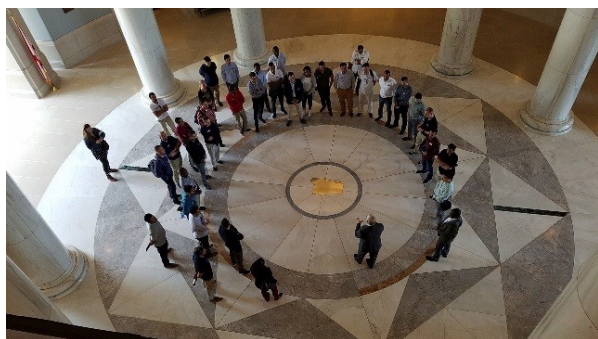
Our Docents are: Kay Miller, Gerri Spinozzi, Peggy Massey, Neal Roddy, Callie Dietz, and Shannon Steward. Our Library staff members, Hall Copeland and Holly Grimes, serve as docents on a as needed basis.

Each spring, ABBHS sponsors a Docent Appreciation Day thanking these vital volunteers for their tireless efforts during the tour season and periodically during the summer. Past Docent Appreciation Days consisted of a trip to Atlanta, Georgia to visit the Georgia Supreme Court; The American Village in Montevallo; Old Cahaba; a Montgomery Biscuits game; and various gatherings throughout and around Montgomery.

At Christmas time, ABBHS also sees that each Docent receives a special gift during the Law Library / Docent Christmas luncheon and party.

These gifts show the Docents just how much they are appreciated by not only the Law Library, but also by ABBHS for their part in preserving the judicial history of Alabama.

If you are interested in scheduling a tour of the HTJB, contact Suze Long in the Law Library at 334-229-0578 or email her at tours@alappeals.gov.



Docent hard at work with tour group.



Some of the docents, past and present at play.

FIFTH JUDICIAL CIRCUIT
JUDGES OF THE FIFTH JUDICIAL CIRCUIT, 1819 - PRESENT

<u>Term</u>	<u>Name</u>	<u>Born</u>	<u>Legal Education</u>	<u>Admitted</u>	<u>Notes</u>
1819-1823	Clement C. Clay	1789	Read Law (TN) (Hugh L. White)	1809	Elected by General Assembly 12/19/1819
1823-1825	Henry Minor	1783	Read Law (VA) (Henry Minor, Sr.)	1820	Elected by General Assembly 12/19/1823
1825-1832	John M. Taylor	1788	Read Law (VA)	1819	Elected by General Assembly 12/27/1825
1832-1835	William I. Adair	1796	Read Law	1828	Elected by General Assembly 11/10/1832
1835-1847	George W. Lane	1806	Read Law (Daniel Coleman)	1831	Elected by General Assembly on 12/19/1835
1847-1856	Thomas A. Walker	1811	Read Law (Anderson Crenshaw)	1829	Elected by General Assembly on 12/22/1847
1856-1862	Smith D. Hale	1827	Read Law (TN)	1847	Elected by popular vote on 05/26/1856
1862-1874	William J. Haralson	1823	Read Law	1847	Elected on 05/06/1862
1874-1880	Louis W. Wyeth	1812	Dickinson Law School (PA)	1833	Elected on 11/03/1874
1880-1886	James E. Cobb	1835	Read Law (GA)	1857?	Elected on 08/02/1880
1886-1888	James W. Lapsley	1837	Read Law (John T. Morgan)	1857	Appt. (Gov. Edward O'Neal) in 1886
1888-1892	James R. Dowdell	1847	Read Law	1870	Appt. (Gov. Seay) in 1888
1892-1905	Nimrod D. Denson	1857	Read Law (William H. Denson)	1877	Elected 11/08/1892
1905-1932	Samuel L. Brewer	1864	Read Law	1889	Elected 11/08/1904
1919-1922	Lum Duke	1865	Read Law (Joseph B. Duke)	1891	Became judge when Lee Cty Circuit abolished
1923-1927	Nimrod D. Denson	1857	Read Law (William H. Denson)	1877	Appt. (Gov. Brandon) 10/15/1923
1927-1931	James H. Hines	1878	U. of A. Law School	1903	Appt. (Gov. Miller) 07/20/1927
1928-1946	William B. Bowling	1870	Read Law (Robinson & Duke)	1900	Appt. (Gov. Miller) 08/16/1928
1932-1934	Clyde H. Vann	1886	U. of A. Law School	1911	Appt. (Gov. Miller) 11/17/1932
1934-1935	Thomas D. Samford	1868	Read Law (William J. Samford)	1890	Appt. (Gov. Miller) 03/30/1932
1935-1938	James W. Strother	1860	Read Law	1897	Elected 11/02/1934.
1938-1938	Will O. Walton	1892	Lebanon Law School (TN)	1922	Appt. (Gov. Graves) 02/16/1938
1938-1976	John A. Hooton	1899	U. of A. Law School	1924	Elected 11/03/1938.
1963-1977	Dan Reid Boyd	1903	U. of A. Law School	1928	Elected 11/08/1960
1963-1970	Lee J. Tyner	1900	Birmingham School of Law	1936	Appt. (Gov. G. Wallace) 03/08/1963
1970-1980	William C. Hines	1914	U. of A. Law School	1938	Appt. (Gov. Brewer) on 12/01/1969
1973-1984	William Ivy Byrd	1922	Creighton Law School	1948	Appt. (Gov. G. Wallace) 02/23/1973
1976-1991	James A. Avery	-----	Emory Law School	1971	Appt. (Gov. G. Wallace) 06/15/1976.
1980-2007	Howard f. Bryan, IV	-----	U. of A. Law School	1972	Appt. (Gov. James) 04/11/1980
1983-????	Philip Dale Segrest	-----	U. of A. Law School	1967	Elected 11/00/1982. Took office 1/18/1983
1991-1999	Lewis L. Hamner, Jr.	-----	U. of A. Law School	1950	Appt. (Gov. Hunt) 03/15/1991
1999-2022	Ray Martin	-----	U. of A. Law School	1980	Elected 11/03/1998. Took office 1/19/1999
2001-2019	Tom F. Young	-----	Birmingham School of Law	1982	Elected 11/07/2000. Took office 1/16/2001
2007-Present	Steven R. Perryman	-----	U. Of A. Law School	1986	Elected 11/07/2006. Took office 1/15/2007
2019-Present	William I. Whorton	-----	Jones School of Law	2006	Elected 11/06/2018. Took office 1/14/2019
2022-Present	Kevin M. Hall	-----	Jones School of Law	2013	Elected 11/08/2022. Took office 1/17/2023

FIFTH JUDICIAL CIRCUIT
STATUTORY HISTORY OF THE FIFTH JUDICIAL CIRCUIT

The Fifth Judicial Circuit was created on December 14, 1819, by "An Act to regulate the Proceedings in the Courts of Law and Equity in the State" *Toulmin's Digest* Chapter VI, p.165 (1823) and included Jackson, Decatur, Madison, and Morgan counties. In 1833, the law was changed stating that the "State Shall Be Divided into eight judicial Circuits..." *Aiken's Digest* §§.4–11, p.240 (1833). The Fifth Circuit included Morgan, Blount, St. Clair, Jackson and Madison counties. In 1843, the law changed again, rearranging the counties in the circuits, this time stating that "The State of Alabama is hereby divided into nine judicial circuits." *Clay's Digest* §4, p.288 (1843). The Fifth Circuit included Madison, Marshall, Jackson, DeKalb, Cherokee and Benton counties. In 1867, the General Assembly passed an act stating that the "State Divided into twelve circuits," *Code of Ala.* 1867, §743, p.230. The Fifth Circuit included Madison, Jackson, Marshall, Blount, and DeKalb counties. In 1886, the Fifth Circuit was radically changed. That year the number of circuits was reduced by an statute entitled, "Division of State into nine circuits" *Code of Ala.* 1886, §748, p.221. The Fifth Circuit now consisted of Randolph, Chambers, Tallapoosa, Coosa, Macon, Chilton, Bibb, Elmore and Autauga counties. In 1896, the number of circuits was expanded: "State Divided...thirteen...circuits," *Code of Ala.* 1896, §897, p.336. The Fifth Circuit stayed virtually the same including Autauga, Chambers, Chilton, Coosa, Elmore, Macon, Randolph, and Tallapoosa. but lost Bibb County to the Fourth Circuit. In 1923, under the recodification of the Code, "Code of Ala. 1923, §6665, 369 entitled "State Divided into Judicial Circuits." The Fifth Circuit changed, now including Chambers, Lee, Macon, Randolph and Tallapoosa counties. The Fifth Circuit remained the same until 1973, when §12-11-2 Code of Alabama took Lee county out of the Fifth Circuit, making it the sole county in the 37th Judicial Circuit. The 5th Circuit currently consists of Chambers, Macon, Randolph, and Tallapoosa counties.



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The Alabama Bench and Bar Historical Society is devoted to preserving the history of the state's judicial and legal system and making the citizens of the state more knowledgeable about the state's courts and their place in Alabama and United States history. The Bench and Bar is interested in preserving documents, artifacts, and memorabilia of the courts, as well as of judges and members of the state bar, and wishes to encourage the publication of scholarly research on bench and bar topics. The Society especially wishes to preserve the biographical information and stories of attorneys and judges who played prominent roles in the history of the state's legal system. To pursue its goals, the Alabama Bench and Bar Historical Society may sponsor publications, exhibitions, displays, lectures, and public programs.

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