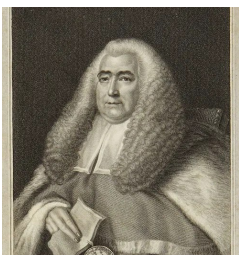


JULY - SEPTEMBER 2026

ALABAMA BENCH AND BAR HISTORICAL SOCIETY NEWSLETTER

"Bound in History...Open to the Future"



A Short History of Wigs in the Legal Profession

By Tim Lewis

Many of our 4th-grade visitors ask us, "Why do judges wear robes?" We, of course answer, "because," and then proceed with the tour. One question that the little darlings don't often ask is, "Why do judges wear wigs?" They don't ask this question simply because (thank goodness!) American judges don't wear wigs; therefore, the question of wigs is not on their minds. However, if one of our precious guests should be an aficionado of PBS, they might note that British judges (and attorneys) do wear the dad-gum things. When this happens, and the question is asked, we of course, answer "because," and then proceed with the tour.

The answer to "why do British judges wear wigs and why don't American judges wear wigs?" is not as complicated as "why do judges (British and American) wear robes?" The wearing of wigs was, as was the wearing of robes, the fashion in Great Britain in the 17th Century. The legal community, hide-bound by tradition, never abandoned robes and wigs when fashion changed among the rest of the population.

But why did people wear wigs? For two reasons, First even though cleanliness is next to godliness, cleanliness is subjective, and the 17th century was not noted for standards of hygiene. Hair, unwashed since St. Swithun's Day, is apt to collect lice and other nasty vermin, so many people would shave their heads and then wear a wig for appearances. The second reason is that many people had lost their hair due to poor nutrition, disease, or the wearing of lead oxide-based make-up (yes, men wore make-up in the 17th century), so wigs made up for the loss of hair.

The heyday of wig-wearing in Great Britain began in the year 1660 when Charles Stuart II returned from exile in France following the Glorious Revolution. Charles had spent much of his exile at the Court of the French King Louis XIV, where powdered wigs were the rage. With the new King styling his powdered wig, the rest of the hoity-toity followed suit. It did not hurt the fashion that during the "recent unpleasantness" (a bloody civil war), the two sides were distinguished by how they wore their hair, e.g., Roundheads (short-haired) and Cavaliers (long-haired). The fashion of wearing wigs thus became a means to heal the divisions in British society.

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By the 19th Century, wig-wearing was becoming old-fashioned among the general population. Typically, the legal profession in Great Britain did not change with the times. Ironically, as the wig died out among the rest of the British, it became a particular fashion of the bench and bar. As far back as medieval times, lawyers wore a distinctive piece of headwear known as a coif, a simple hat (like a beanie) made of white cloth. (Some historians speculate that the coif originated to cover the tonsure of monks acting in a legal capacity. Whatever the origin, by the 16th Century, all lawyers and judges were wearing round skullcaps (black, not white) to court. The white coif was still worn beneath the beanie, but with the white edges showing. With the advent of the wig, the legal version had a skullcap and coif sewn into it. Eventually, the skullcap and coif disappeared from the wig entirely.

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Preserving the History of Alabama

So why do British judges and lawyers still wear wigs? They are expensive — the largest can cost more than \$1,500, uncomfortable — they are made of horsehair, which is hot, itchy, and to some completely unhygienic (not to a horse, of course). In 1992, it seemed that the Brits had finally come to their senses and were prepared to jettison the wig. After many surveys of the bench and bar, not to mention debates and presumably some name-calling and fistfights (and don't forget the wig-makers lobby), the British decided to keep their wigs. One of the major reasons given was that court dress in general "imbued in laypersons a sense of the solemnity and dignity of the law." A second major reason was that the wig and robe served to disguise the appearance of judges to a considerable degree, which made it difficult for criminal defendants and other litigants to identify them outside the courtroom context (obviously, their judges are not elected). But it is Professor Charles M. Yablon, in his 1995 article, *Judicial Drag: An Essay on Wigs, Robes and Legal Change*, who presents the most compelling reason for the inertia:

"In short, English judges and barristers began wearing wigs and robes because everybody in polite society was wearing wigs and robes in those days. They continue to wear them because nobody has ever told them to stop."

But you ask, why didn't American judges adopt wigs like we adopted the Common Law? Don't they go hand-in-hand?"

We colonials came perilously close to "heading" in a similar direction. Were it not for the common sense of some of the Founding Fathers, our judges might be including a periwig on their Christmas lists. When Chief Justice John Jay canvassed the Founding Fathers about whether the newly minted Supreme Court justices should attire themselves as the British judges did, he got a very strong response from Thomas Jefferson who wrote:

"I have no patience with the prevailing custom of imitating everything English in our democratic institutions, particularly in the organization of our courts. If we must have peculiar garbs for the judges, I think the gown is the most appropriate. But, for heaven's sake, discard the monstrous wig, which makes the English judges look like rats peeping through bunches of oakum." Oakum is a preparation of tarred fiber used in shipbuilding, for caulking or packing the joints of timbers in wooden vessels.

Yet another of the Founding Fathers, the ever-trustworthy Aaron Burr, had this response to Chief Justice Jay: "It has long been the custom in all civilized nations to place the outer garb of Roman Senators, Grecian orators and jurists on modern judges, eminent scholars and divines. But I have never seen or read of a flowing English wig on a statue of an illustrious Roman or Grecian orator or statesman. I am in favor of giving our judges the judicial robes of Mansfield, copied from those of Cicero. But let us forego the great inverted woollack, termed a wig, which disguised the majestic head of the great English jurist."

So, when we remember the Founding Fathers for our freedoms and way of life, we should also remember them for sparing our judges the indignity of wearing a horsehair mop on their heads.

Tim



Do you have any items from past judicial campaigns that you would like to donate to the Alabama Judicial Learning Center in the Heflin-Torbert Judicial Building? We are collecting these for displays that visitors to the building will view. Posters, yard signs, buttons, pamphlets, etc. are welcome. Just let us know if you would like to be part of this historic display.



Executive Director's Corner

Article Correction

Before I reflect on our organization's successful and busy summer, I want to direct you to Trippy McGuire's article, *Witnesses to Dramatic History* on pages 5-6. His article first ran in our previous newsletter, but the final paragraphs were not included, thus leaving our readers unaware of Judge Smith's numerous war medals, including a Purple Heart and Presidential Unit Citation. I hope you will take the time to reread the article in its entirety so you can fully appreciate the accomplishments and achievements of two brave judges.



In July, ABBHS attended conferences in beautiful Fairhope and Gulf Shores. Callie Dietz and I are pleased to report we have 17 new members as a result of our time spent at the State Bar Meeting and Judges Summer Session. We want to thank each and every member who stopped by our table. We enjoyed sharing information about our organization with prospective members and spreading the word about our efforts to develop a Judicial Learning Center and a Student Summer Institute.



ABBHS gave away a Bench and Bar Bogg Bag full of treats. Douglas Hargett was the lucky Winner! Congratulations, Doug!

Jennifer



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Member Spotlight

Alabama Bench and Bar Historical Society would like to congratulate, **Honorable Jim Hill**, on being named the recipient of the **Alabama State Bar President's Award**.

This prestigious award reflects more than five decades of extraordinary service to the legal profession, the judiciary, local government, and the citizens of Alabama.

Judge Hill's career has been defined by integrity, wisdom, and an unwavering commitment to public service. From serving as St. Clair County District Judge and Circuit Judge, to representing Alabama's 50th House District and leading the House Judiciary Committee, he has left a lasting mark on our state's legal system. Throughout it all, he has continued serving clients at Hill, Gossett, Kemp, Barrentine & Seay, P.C. with the same professionalism, sound judgment, and dedication that have characterized his entire career.

This honor is especially meaningful as it comes during Judge Hill's final term in the Alabama Legislature, marking the close of an extraordinary chapter of public service while celebrating a legacy that will continue to influence the legal profession and the State of Alabama for generations.

CONGRATULATIONS, JUDGE HILL!



WITNESSES TO DRAMATIC HISTORY

By Trippy McGuire
Covington County District Judge, Retired

Back in the day, many Circuit Judges became legendary due to their longevity on the bench, their standing in the community, the big cases they presided over, and their common sense rulings. These judges were considered to be local institutions and pillars in their communities. People were as comfortable with them being judges as they were comfortable with their favorite pair of old slippers. Stories abounded regarding their legal acumen, their fearlessness and their actions on the bench, usually spoken with admiration and respect.

Two such judges were on the bench in Covington County when I began practicing law here back in 1979. They were Circuit Judges William H. Baldwin and F. Murland Smith. In addition to the attributes mentioned in the preceding paragraph, these judges were unique in that they were both witnesses to history on the world stage during World War II, in very dramatic ways.

On December 7, 1941, the “date which will live in infamy,” Navy seaman William H. Baldwin was stationed at the Naval airbase on Kaneohe Bay, Hawaii, and was assigned to duty at the fire station there.

Shortly after 7:55 a.m. on that fateful Sunday morning, he and a friend were walking back from the mess hall when some planes approached from the direction normally used by outbound traffic. Baldwin’s friend remarked that the planes must have had green pilots flying them, as they were coming in from the wrong direction. As the planes drew closer, however, the two saw red markings on the planes and instantly realized these planes were Japanese Zeroes. The Zeroes immediately opened fire on the American planes on the airfield.

Baldwin and his friend sprinted to the fire station and along with others, manned the fire engine and raced down the runway to the burning planes at the far end of the airfield. To their dismay, a Zero suddenly approached them head on, flying very low as the pilot targeted them in his gunsight, letting loose a barrage of gunfire. One of the men on the truck was killed and the fire truck was put out of commission. As the Zero sped by, Baldwin could see its pilot smiling malevolently.

As Baldwin and the others abandoned the fire truck and ran back to the fire station, they observed their officer of the day firing at the Zeroes with a Browning Automatic Rifle, while a mechanic was firing up from the guns of a plane that was on a rack, being serviced.

When the attack was over, 33 of the 36 planes at Kaneohe Airbase had been destroyed and 15 of the men stationed there had been killed.¹

Judge Baldwin continued in the Navy throughout the war. Afterwards, he graduated from college, he earned his law degree in 1951 and went into practice with his father, E.O. Baldwin, a renowned courtroom gladiator in our area. Judge Baldwin continued in a successful solo practice after his father died. He also served as Mayor of Andalusia from 1959 to 1964. He became Covington County District Judge in 1978 and in 1979, was appointed Circuit Judge, a position he held with distinction until his retirement in 1990.

¹“Bill Baldwin,” Veterans Magazine, a special publication of The Andalusia Star News, p.65;
Author’s conversations with Judge William H. Baldwin.

Continued from Page 3

F. Murland Smith graduated from the University of Alabama in 1942 and entered the U.S. Army that same year. He was commissioned as a Second Lieutenant in General George S. Patton's "Hell on Wheels" 2nd Armored Division and became one of the youngest tank commanders in that division.²

As a tank commander under General Patton, Smith fought against German forces under the command of Field Marshall Erwin Rommel, known as "the Desert Fox," in the North Africa Campaign. He also saw heavy combat action while storming relentlessly across Algiers, Sicily, Italy, Normandy and Western Europe.³

Smith was awarded the Silver Star for gallantry in action occurring on August 20, 1944, in France. The citation read that "1st Lt. Smith, with complete disregard for his own safety, personally led an attack against seven nebelwerfers and completely destroyed the entire enemy column without loss to our forces. He then led an attack against St. Pierre des Fleurs destroying several antitank vehicles and capturing numerous prisoners. While in the vicinity of St. Pierre, 1st Lt. Smith was wounded during one of the many heavy enemy artillery barrages. His untiring efforts, his superior judgment under combat conditions, and his leadership caused the destruction of numerous enemy vehicles, the capture of several hundred prisoners, and the complete routing of five enemy columns. This force also made two bridgeheads and seized five towns."

The injury mentioned in the citation occurred on August 25, 1944, when he lay down for the night. According to him, "something didn't feel right" and he then swapped ends, laying his feet where his head had been. Almost immediately, a blast from a German mortar sent shrapnel into his foot, exiting at the knee and shattering both legs.

Had he not swapped ends, the shrapnel would have entered his head, killing him instantly.⁴

The injury required lengthy hospitalization. He was separated from the service in 1946, after achieving the rank of Captain.

In addition to the Silver Star, Judge Smith was awarded the Purple Heart, a Presidential Unit Citation and four campaign stars.⁵

After the war, Judge Smith received his law degree from the University of Alabama in 1949 and began practicing in Andalusia. He was elected Circuit Judge in 1958, entered office that year and served with distinction until retiring in 1988, a total of 30 years on the bench. He also served as President of the Alabama Circuit Judges Association.⁶

Thus, these two outstanding men had front row seats to dramatic history that took place during the war, as both observers and participants. After the war, as jurists, they left their marks and became an important part of the history of Covington County as well as respected members of our community and the state bar.

² Griffin Sikes, "Finis Murland Smith," obituary, *The Alabama Lawyer*, Sept., 1989, p.281.

³ Id.

⁴ Author's conversations with Gail Smith Jones and Griffin Sikes.

⁵ Griffin Sikes, *supra*; Military Record and Report of Separation, Certificate of Service of Finis M. Smith.

⁶ Author's conversation with Gail Smith Jones.

Interesting Books in The Alabama State Law Library and a ... Missing Librarian

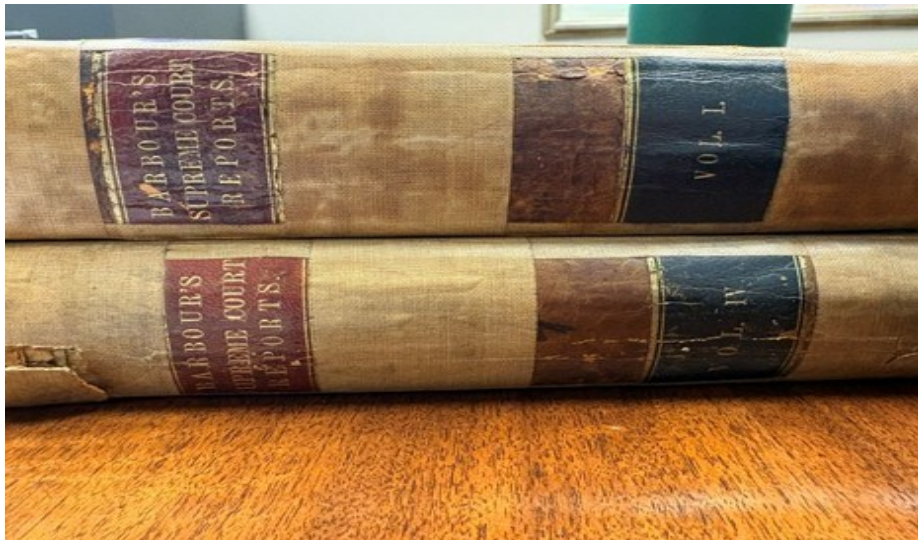
By Hall Copeland

The Library Society of the Bench and Bar of the Supreme Court was founded on January 19, 1828, in Tuscaloosa, Alabama. This was the first organization to provide a law library for attorneys in the State of Alabama. The inaugural members included judges handling the duties of the Supreme Court and esteemed lawyers of the time. The judges were considered honorary library members, and many of the initial lawyer members went on to become judges and high ranking politicians of the state. At its inception, The Library Society created a committee composed of a president, treasurer, librarian, and secretary. It was a subscription library, whereby members paid dues to become subscribers, checked out books, and returned them on a specific date; however, the library was not open to the general public.

This borrowing system worked well for a number of years. However, by 1841, a number of books in the library's collection were listed overdue and therefore missing. This prompted the librarian to take out an advertisement in the *Flag of the Union* newspaper in Tuscaloosa, Alabama, on October 20, 1841, requesting the return of Library Society books. Evidently, some Library Society law librarians distributed written reprimands for overdue books. A terse letter dated June 12, 1856, was found inscribed inside the front cover of a long overdue book, *Barbour's Reports of the Supreme Court of the State of New York Volume IV*. The letter admonished the library patron for the significant inconvenience caused by the long absence of the book. A reproduction of the letter is currently on display at the Heflin-Torbert Judicial Building in Montgomery, Alabama.

June 12 1856
you don't know what a deal
of trouble the long absence
this book has caused the
Sup Court Bar & the Court
or perhaps your sense of
justice to them would have
induced you to let the
book remain in its prop
er place. Will you observe
the Rules, & out whatever snow
regard you may have for
the convenience of others
equally interested let the
books of the Sup Ct
Library properly belong
they remain where
Librarian
SUPREME COURT LIBRARY
OF
ALABAMA.

When searching for the author of the letter, a gap emerged in the timeline of state law librarians between 1845, when Joseph Porter was named librarian, to 1859, when the state legislature created the title of Marshal and Librarian of the Supreme Court and chose James Albright to occupy the position. Though sparse in some areas of library history, *Minutes of The Library Society* asserts that The Library Society disbanded sometime after 1845 with Joseph Porter as librarian and merged with The Supreme Court Library.



Today, the Alabama Supreme Court and State Law Library houses 250,000 volumes and is open to the public. Not only is the current library a center for legal research, it also acts as a custodian of rare books dating back as far as 1605. *Barbour's Reports of the Supreme Court of the State of New York Volumes I and IV* are part of the rare books collection. The terse, librarian letter written inside the front cover of *Barbour's Reports ... Volume 1*, provides a glimpse into the past and reminds us that, in a time before technology, books were highly treasured and necessary tools needed to provide justice and stability to the citizens of Alabama.



JULY– SEPTEMBER 2026

WELCOME

NEW MEMBERS

Steve Windom
Eric Brown
Amanda Johnston
Gene Howard III
Rylee Buzbee
J. Mark Debro

Tim Riley
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James P. Smith
Chris Hughes
Linda F. Coats
Grant Blackburn
John Allen

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Brad Green
Hope Marshall
Lucy Chen Bryan
Claire Tisdal



Congratulations

Hope Marshall and Lucy Chen Bryan!

*Winners – One Year Memberships
(Annual Bar Conference Giveaway)*



RENEWALS

William H. Broome
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Samuel Franklin
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Judicial Learning Center

The mission of the Judicial Learning Center is to create a centralized location for visitors to observe, hear, read, and touch their way through the history and application of law in our state and country. We envision one location primarily targeting adults and another space designed for students (grades 4-8). In these spaces, both adults and young people who visit the Heflin-Torbert Judicial Building can learn about the roles of government and obtain an understanding of the roles officials and employees serving in these branches. Through the use of interactive exhibits, displays, tours, our portrait and historical document collections, visitors can learn a great deal about the rule of law, the importance of order, and their own role in a democratic government. They can come to appreciate the various types of law and learn about famous and historic cases in Alabama. Students, using a mock courtroom, can even participate in a trial and experience the work of judges, attorneys, and others in a courtroom deciding a case based on the facts presented.

We need your help!!! As members of the Alabama Bench and Bar Historical Society, you already know and appreciate why this work is vital. Preserving the history of our state while supporting the judicial and legal systems is our highest priority. To do this, we must participate in and lead the way for efforts that enhance our goals, such as the judicial learning center. For the center to become a reality, we need to raise funds to renovate two spaces in the Heflin-Torbert Judicial Building as well as to purchase new equipment, displays and display cases, graphics, and exhibits

Will you help us raise funds to start this project? We would like to raise \$50,000.00 to begin this project. All contributions to ABBHS for support of the Alabama Judicial Learning Center are tax deductible and you will receive acknowledgement of your contribution to use in filing your taxes.

Additionally, recognition will be given publicly in the following manner:

Scales of Justice Level	\$5,000 +	Name on a plaque in the learning center Free membership in ABBHS for 4 years A brass Christmas ornament of the H-T-J-B
Gavel Level	\$2,500-\$4,999	Name on a plaque in the learning center Free membership in ABBHS for 3 years ABBHS coffee mug
Sword Level	\$1,500-\$2,499	Name on plaque in the learning center Free membership in ABBHS for 2 years A copy of <i>Power to Service</i>
Robe Level	\$500-\$1,499	Name on plaque in the learning center Free membership in ABBHS for 1 year
Quill & Inkwell Level	\$50-\$499	Name on plaque in the learning center

ALABAMA JUDICIAL LEARNING CENTER FUNDING PROJECT

NAME: _____

or

FIRM: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL: _____

Name as you would like it to appear on the plaque: _____

Mail to: ABBHS
P.O. Box 722,
Montgomery, AL 36101

Checks should be made payable to ABBHS and designated to the Alabama Judicial Learning Center.



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Membership Application

Name: _____ Phone _____
 Affiliate: _____ Fax _____
 Address: _____
 City: _____ State: _____ ZIP: _____
 Email: _____

- ◆ Make check payable to ABBHS or include your credit card information below.
- ◆ Mailing Address: P. O. Box 722, Montgomery, AL 36101-0722

Check One - American Express _____ Visa _____ Master Card _____

Credit Card# _____ Expiration Date: _____ Security Code: _____

Please include your credit card address below, if different from your membership address.

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Membership Fees:

_____ **Individual:** **\$75.00/2-year**

_____ Individual: \$40.00/year

_____ Student: \$10.00/year

_____ **Founders** **\$100/year**

_____ Law Firm: \$1,000/year - *(Includes all attorneys of the firm in any one location)*

_____ **Contributions:** **\$100 - \$5000**



ALABAMA BENCH AND
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SOCIETY

P.O. Box 722
Montgomery, AL 36101-0722
Phone: 334-229-0565
E-mail: jmacek.albenchandbar@gmail.com

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Preserving the History of Alabama

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.

Alabama Bench and Bar Historical Society
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