OBJECTS OF CONFIDENCE AND CHOICE: PROFESSIONAL COMMUNITIES IN ALABAMA, 1804-1861

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ABSTRACT

_Objects of Confidence and Choice_ considered the centrality of professional communities in Alabama, from 1804 to 1861. The dissertation highlighted what it meant to be a professional, as well as what professionals meant to their communities. The study examined themes of education, family, wealth patterns, slaveholding, and identities.

This project defined professionals as men with professional degrees or licenses to practice: doctors, clergymen, teachers, and others. Several men who appeared here have been widely studied: William Lowndes Yancey, Josiah Nott, J. Marion Sims, James Birney, Leroy Pope Walker, Clement Comer Clay, and his son Clement Claiborne Clay. Others are less familiar today, but were leaders of their towns and cities. Names were culled from various censuses and tax records, and put into a database that included age, marital status, children, real property, personal property, and slaveholding. In total, the database included 453 names. The study also mined a rich vein of primary source material from the very articulate professional community.

_Objects of Confidence and Choice_ indicated that professionals were not a social class but a community of institution builders. In order to refine this conclusion, a more targeted investigation of professionals in a single antebellum Alabama town will be needed.
ACKNOWLEDGMENTS

I would like to take the opportunity to thank those who helped me write this dissertation. Johanna Shields first suggested a study on antebellum professionals during an Old South course at the University of Alabama Huntsville. Shortly after, and independently, George Rable mentioned the same topic during a class at the University of Alabama. I took the bait. Writing dissertations can be a lonely and painful process, and I could not have finished without the help of my committee. In addition to Professor Rable, sincere thanks go out to my committee chair Joshua Rothman, and committee members Jennifer Green, Lawrence Kohl, and John Giggie.

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Today’s graduate students have many advantages with online resources, but nothing beats the thrill of rummaging through archival boxes and discovering unpublished material. Special thanks to Ed Bridges and Steve Murray from the Alabama Department of Archives and History, and to Susanna Leberman and her team in the Heritage Room at the Huntsville-Madison County
Public Library. Visits to the University of Alabama’s Hoole Special Collections, Duke University’s Perkins Library, and the University of North Carolina’s Southern Historical Collection, were always productive.

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INTRODUCTION

In *The Federalist Papers*, Alexander Hamilton described professional men as “impartial arbiters,” eager to promote a cause that “appears conducive to the general interests of society.” Unlike farmers and mechanics, who would make public decisions based on their own self-interests, Hamilton wrote that, “with regard to the learned professions, little need be observed; they truly form no interest in society and according to their situations and talents will be indiscriminately the objects of the confidence and choice of each other, and other parts of the community.”¹ Hamilton certainly overstated professionals’ magnanimity. Professionals were not the altruistic, disinterested bedrocks of a burgeoning new nation. From the time they gathered in Philadelphia to draft a federal Constitution, men have pursued professional careers in order to advance their own interests as well as the interests of like-minded neighbors.

Yet in other ways, Hamilton had it right. In the pursuit of personal advancement, professionals became the institution builders for the fast growing country. As Americans experimented with representative government, a market economy, and an egalitarian society for white males, professionals provided the sturdy underpinnings that allowed the new nation to thrive. With professionals manning leadership positions in political and civic institutions, the United States population increased from 3.9 million in 1790 to 31.4 million by 1860. For a man with a license or degree in hand, almost anything was possible. Of the country’s first sixteen presidents, all but three—George Washington, William Henry Harrison, and Zachary Taylor—

practiced law at one time or another. Lawyers, physicians and ministers were elected to Congress. Professionals served as governors of states, state legislators, and were selected for boards at universities, colleges, local schools and academies. They became federal, municipal, circuit, and state judges. They were presidents of banks, railroads, and other commercial ventures.

*Objects of Confidence and Choice* examines institution-building antebellum professional communities by focusing on the role professionals played in the development of one slave state, Alabama, from its territorial stage until the Civil War. The dissertation describes men who were engaged in what Hamilton called the learned professions—doctors, lawyers, clergymen, teachers, civil engineers, and others who held advanced degrees or licenses to practice a profession—and looks at the personal and career choices they made. The study explains why these men came to Alabama, and how they built and maintained the courthouses, jails, post offices, schools, libraries, and other social and economic institutions that made towns physically safe and attractive to new immigrants. Further, this dissertation considers the larger question of what it meant to be a professional in the antebellum era, and in what ways the interests of the professional community supported or undercut the interests of planters, merchants, yeomen, and others.

Several professionals who appear in this study are widely known. The names of fire-eating politician William Lowndes Yancey, racial theorist Josiah Nott, gynecological pioneer Dr. Marion Sims, antislavery activist and presidential candidate James Birney, Confederate Secretary of War Leroy Pope Walker, and Senator in both the United States and the Confederate States of America, Clement Claiborne Clay, Jr., to list a few, are found in many books. Other names will be recognizable to those who are familiar with the history of Alabama. Among those are Daniel
Bestor, Clement Comer Clay, Noah Cloud, Thomas Fearn, Henry Hilliard, Henry Hitchcock, Basil Manly, Harry Toulmin, John Williams Walker, Henry Watson, and Alva Woods. Each man used his credentials and training as a springboard to a successful public career. They were community leaders who left enduring legacies.²

Still, the majority of professionals mentioned will be unfamiliar to most modern readers. Yet even these lesser-known professionals were conspicuous members of their local communities. In order to build a collective profile, I constructed a database of 453 professionals living in Alabama’s ten largest cities and towns. The ten largest towns and cities represented just six percent of Alabama’s total population, but were home to twenty percent of its professional population. The database includes information on age, marital status, children, occupation, wealth, place of birth, number of slaves owned and their gender and ages. While I discovered

that there was no such thing as a typical antebellum professional man, certain patterns emerged when professionals were studied as a statistical and historical cohort.  

Additionally, the list is limited to professional males who were heads of households. Therefore, the database does not include unknown numbers of educated female teachers, as well as male professionals who were not listed as the head of household. By the mid 1830s, some female teachers who had studied in the North moved to Alabama. These women earned their living by the teaching profession, but unfortunately they were mostly listed in the federal census as wives, widows or spinsters, not by their occupation. And even if it were possible to identify female teachers who were heads of households, they would not fit easily into this study because antebellum southern society did not allow women access to civic, corporate, and political power. Women did not sit on school boards, were not bank presidents, and were not elected mayors. Regardless of a woman’s training and experience, antebellum society did not allow her to become an institution-builder.

As professional careers evolved in the nineteenth century, *Objects of Confidence and Choice* considers how these changes impacted the lives and status of members of Alabama’s professional community. Medical historian Steven Stowe has noted that antebellum southern medicine was both a trade and a profession. Alabama students attended medical schools that provided theoretical training, but also offered and encouraged clinical work. Doctors were expected to return home when their education was complete where they were rewarded with a higher status in the community. Lawyers, on the other hand, could rather easily obtain a license to practice at a local circuit court. Reflecting national trends, few antebellum Alabama lawyers

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3 In 1860, the ten largest towns and cities in Alabama in terms of total population were: Mobile (29,258), Montgomery (8,843), Tuscaloosa (3,998), Huntsville (3,634), Selma (3,177), Kingston (1,960), Cahaba (1,920), Marion (1,408), Florence (1,393), Lafayette (1,113).
trained at law schools. Instead they read the law under the guidance of a preceptor. Still, by 1860, it was more difficult to obtain a legal license in Alabama than it had been even a decade before due to more rigorous licensing requirements. By various means, ministers, teachers, civil engineers and architects saw their careers become more professionalized in the first half of the nineteenth century.\textsuperscript{4}

Although my emphasis on professionals as institution-builders in a slave society is unique, \textit{Objects of Confidence and Choice} challenges some of the latest interpretations of professionals in nineteenth-century middle class society. Most relevant to this project is the recent spate of scholarly interest in the nineteenth-century southern middle class. In Jonathan Wells’s 2004 book, \textit{The Origins of the Southern Middle Class}, professionals joined merchants, storekeepers and bankers to form an emerging southern middle class, although he does not assign professionals any particular leadership role.\textsuperscript{5} Wells’s central argument is that the southern middle


\textsuperscript{5} For general studies on nineteenth-century American middle class see, Stuart Blumin, “The Hypothesis of Middle Class Formation in Nineteenth-Century America: Critique and Some Proposals,” \textit{American Historical Review} 90 (April 1985), 775-809; Blumin, \textit{The Urban
class sought to emulate the northern middle class, and the inability of the leaders of the southern middle class to find common ground with rural planters on strategies for diversification prohibited the development of a more robust economy. Historian Jennifer Green, meanwhile, studied the professional community in South Carolina in the decade before the Civil War. Like Wells, Green locates antebellum professionals in a fluid southern middle class that ranged from yeomen farmers to planter elites. She argues that professionals experienced a great deal of social mobility but were ultimately limited by a social status imprinted at birth. South Carolina professionals who were born into planting families could hope to improve their status as planter elites by obtaining a license or degree. Professionals not born into planting families could use

their degree to elevate status within the middle class. Green’s work suggests a higher social position for men with professional degrees or licenses, but often sees the professions as stepping-stones to lucrative planting careers or higher status within a burgeoning southern middle class.

My work offers several new interpretations of antebellum professionals. To begin with, unlike Green, I maintain that there was no professional class during this period. Antebellum Alabama professionals were wealthy, middling and poor. They were Whigs and Democrats. Some were engaged primarily in agriculture, while others experimented with sundry commercial ventures. They were found in higher densities scattered across towns and cities, but also lived on farms and plantations. Many professionals were sons of other professionals, but they were also the offspring of uneducated farmers and planters. Most professionals believed in God but some had doubts. Like others, Alabama professionals universally espoused nineteenth-century middle class values, which taught that hard work, thriftiness, and morality would be rewarded here and in the afterlife. Professionals wanted more for their sons and daughters, and earnestly believed that each generation could improve on the previous one.

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8 John W. Quist, *Restless Visionaries: The Social Roots of Antebellum Reform in Alabama and Michigan* (Baton Rouge: Louisiana State University Press, 1998), 1-17. Although Quist’s study does not emphasize the role of professionals in the rise of a diverse reform culture in Tuscaloosa...
Rather than describing Alabama professionals as members of a distinct social class, the dissertation examines them in the context of the various communities to which they belonged. Professionals saw themselves as part of a brotherhood that included others in their discipline: fellow doctors, fellow lawyers, fellow ministers, or fellow teachers. Many also felt a connection to educated elites outside their profession, men who shared with them the responsibility for managing local and state institutions. There was a sense of belonging to a professional community. While this feeling fell short of class-consciousness, it counted for something: men who had pursued a professional career did not feel like they had traveled alone, and the idea of a shared experience is a common theme in the writings of antebellum professionals. When Marion Sims became gravely ill in Montgomery, he reached out to a fellow practitioner, Dr. Holt. Sims wrote, “I knew him little; but, when he heard that a young brother was thus dangerously ill, he left his practice and came twenty miles to see me.”

After Greensboro lawyer Henry Watson returned to Hartford briefly in 1833 to take care of loose ends before permanently settling in Alabama, he shared with a friend that “law business is as poor as ever, and most of the Brotherhood are starving.” While I primarily concentrate on men as members of professional communities, these men were members of other communities, as well. As residents of villages, towns, cities and counties, they often acted with the good of their broader community at heart, or

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County, Alabama, in fact many of his Alabama subjects, such as Basil Manly, James Birney, Rueben Searcy, held professional degrees and also appear in my study. Also see, Edward Pessen, "How Different from Each Other Were the Antebellum North and South?" American Historical Review 85 (December 1980), 1119-150; Michele Gillespie, Free Labor in an Unfree World: White Artisans in Slaveholding Georgia, 1789-1860 (Athens: The University of Georgia Press, 2000); Byrnes, Becoming Bourgeois; Scarborough, Masters of the Big House; Downing, Planting a Capitalist South.


what Hamilton called “the general interests of society.” And as participants of the agricultural community, they frequently sided with the interest of planters and farmers.

This approach—examining professionals as participants in many communities, which covered every aspect of antebellum southern life—can be tricky. One might be tempted to think that professionals were involved in so many things that they lost their distinctiveness, that not only were they not a social class, they may not have formed a community, either. But I maintain that the ability to insinuate themselves into every fabric of southern culture made professionals distinct. Their training and credentials elevated their status among neighbors and led to leadership roles within towns, cities and the state. Their licenses and degrees opened doors for them in business and other commercial ventures, doors that might not have opened without their professional status.

Not surprisingly, given my emphasis on the versatility of the professional experience, *Objects of Confidence and Choice* maintains that a spirit of cooperation existed between urban institution-building professionals and rural planters. Comity, not conflict, describes the overarching relationship between urban professionals and rural non-professionals. Unlike Wells and others, I argue that whatever economic stagnation one sees in the antebellum period was due to the fact that professionals and planters were co-stakeholders in a robust agricultural economy that often undermined the efforts to build a more diverse economy.11 Professionals needed the financial support of thriving planters and farmers to sustain their practices, schools, and churches. Planters and farmers relied on the institutions that professionals built to bring stability to the region and to increase the value of their real estate and slave holdings.

Professionals and planters were interconnected by kin relationships, too. Urban professional daughters often married rural planter sons, and rural daughters married into professional families. Dr. Thomas Fearn of Huntsville married the daughter of a wealthy Tennessee planter. Their daughter Marie was raised in town but married Confederate General William Willis Garth, who was brought up on a plantation in Morgan County. Familial connections between professionals and planters of this sort were ubiquitous. Finally, many professionals were planters. The top third wealthiest men in the database had land and slave holdings that averaged $79,712, ranging from $23,000 to $675,000. Many owned plantations, some several. Clement Comer Clay, for example, owned four.

As professionals enjoyed the material advantages of Alabama’s agricultural economy, their broader community held them in high esteem for reasons that had as much to do with their acquired knowledge and skills, than with their land and slaves. Contemporary accounts supported Hamilton’s view of professionals as “objects of the confidence and choice.” In an 1880s memoir, Madison County Judge Thomas Jones Taylor commented that men of law and medicine “generally rose to eminence because they had calm self reliance. Before the organization of state government they held the county offices, managed the finances, laid off and built up our beautiful little city.” An English traveler named Adam Hodgson visited the Alabama Territory in 1818, and observed the state of social classes in Alabama. Hodgson recorded that the few living “Revolutionary Heroes” occupied the highest strata in society, and included professionals in the level beneath the heroes. “The leading politicians of the day, the

12 Fearn’s biographical information can be found in several places, including Thomas M. Owen, *History of Alabama and Dictionary of Alabama Biography*, V III (Chicago: 1921); Rogers et al., *Alabama*; Fearn family history is located in Elizabeth Lee Fearn Cabell and Elizabeth Lee Lusk, *The Fearn’s of Virginia and Some Allied Families* (1973).

13 Thomas Jones Taylor, *The History of Madison County, Alabama with an autobiographical sketch* (Manuscript written in Huntsville between 1880 and 1886), 61, HMCPL.
more eminent lawyers, the well-educated merchants and agriculturalists, and the most respectable *novi homines* of every profession,” were in an elevated second tier.14

Not all reports of professionals were as sanguine, though. Joseph G. Baldwin’s tongue-in-cheek 1853 book, *The Flush Times of Alabama and Mississippi*, describes situations where men posing as physicians would suddenly appear in a town: “Some unscrupulous horse-doctor would set up his sign as ‘Physician and Surgeon,’ and draw his lancet on you, or fire at random a box of his pills into your bowels, with a vague chance of hitting some disease unknown to him, but a better prospect of killing the patient” for which “he charged ten dollars a trial for his marksmanship.”15 Similarly, antebellum professionals often encountered less than ideal working conditions. Popular fictional character Simon Suggs observed doctors who were “forced to spend the night on a shuck-and-straw mattress in a settler’s chinked-and daubed cabin, remote and not infrequently filthy,” and lawyers who were “obliged to hobnob with ignorant, drunken, tobacco-spitting clients or rascally land speculators.”16 Even though Simon Suggs was the creation of writer Johnson Jones Hooper, the character’s words resonated with thousands of avid readers. To ward off disreputable service providers, and to ameliorate the conditions under which they practiced, professionals regularly attempted to stiffen requirements for licensing. In doing so, they reasserted a professional identity that prioritized advanced education and rigid training.


Indeed it took both self-reliance and a willingness to put up with the local rascals in order for a professional to succeed in antebellum Alabama. Professionals had joined tens of thousands who moved westward from the eastern seaboard, and they reflected the characteristics of their new neighbors: they tended to be young, adventurous, and optimistic. Each professional had made a certain calculation that the unknown woodlands of Alabama offered more intriguing possibilities for professional and personal advancement than staying put. Thus Alabama’s earliest professionals tended to be creators and builders rather than maintainers of the status quo. By moving, professionals abandoned long-standing kin and business networks. Many left communities that had existed for nearly two centuries, to try their luck in a relatively unknown region. Professionals came from Virginia, the Carolinas, Georgia, and Tennessee. They came from the North, too. Doctors, lawyers, and clergymen arrived regularly from Massachusetts, Vermont, New York, Pennsylvania, and New Jersey. They came to Alabama to open practices and churches. They came for health reasons, for cheaper lands, and for slaves. Others found Alabama to be a land of refuge from troubles back home. In all cases, men who came to Alabama to open a practice in the antebellum period had to accept the emerging conditions of frontier communities, and needed to be ready to improvise.

Innovative, ambitious, and migratory, professionals were bullish on an array of opportunities that their new state provided. The title of this study comes from Hamilton, and professionals shared the former Secretary of the Treasury’s views about building a modern society. Doctors, lawyers, and ministers expected to live in a capitalistic society based on cash and credit exchanges, and healthy institutions, and one that operated under the mediating hand of the federal government. Professionals thrived locally as communities became boosterish in order to attract new migration. One of the first antebellum professionals to come to Alabama was federally appointed judge Ephraim Kirby, a native of Connecticut. In 1804, from an isolated settlement along the Tombigbee River in southern Alabama, he wrote that, “A strong American settlement on this River… becomes a matter of primary importance to our Government that such a degree of protection and encouragement should be extended…as will lead to industrious habits, increase of population, and the introduction of regular society.”

“Regular society,” as it happened, came earlier to some areas of Alabama than to others. In the meantime, members of Alabama’s growing professional community understood that they were Hamiltonians in a Jeffersonian landscape. Recurrent themes among institution-building professionals were the desire for productive land, and the understanding that professional success was directly tied to an abundant cotton harvest. Without a reliably marketable cotton crop, Alabama would have been nothing more than a way station for those leaving despoiled lands in the East for more fertile ones in the West. From sparsely populated forests at the beginning of the century, Alabama registered over six million acres of land under cultivation by 1860 that had an

18 Ephraim Kirby to Thomas Jefferson, April 20, 1804, Ephraim Kirby Papers, Perkins Library, Duke University.
assessed value of $175,824,622.¹⁹ Professionals, of course, did not own all these lands. But by establishing the institutions that permitted rapid immigration, which turned woodlands into towns and cities, they made Alabama land more desirable, and more valuable. And even though they supported innovation and a more modern economy, their ability to organize municipalities around well-managed institutions did more to promote cotton and slavery than canals and factories.

In order to tell the story of institution-building Alabama professionals, the chapters in *Objects of Confidence and Choice* are arranged thematically and move chronologically from 1800 to 1861. The opening chapter sets the context for the antebellum professional community by discussing how and why licensed and degreed men came to Alabama, and why many settled there. The second and third chapters explore how they promoted a culture of education for their own children, for the broader community, and for themselves. Advanced formal education was one thing that set some doctors, lawyers, clergymen, and teachers apart. Their ability to earn a living by practicing a profession depended on varying degrees of academic achievement. In addition, professionals invested money and time to building schools, sitting on school boards, and promoting state literacy.

After the chapters on education, the dissertation considers aspects of antebellum professional identities. To posterity’s benefit, articulate Alabama professionals left behind a rich historical trail. This fourth chapter looks closely at letters, diaries, journals, newspapers

advertisements, and pamphlets. Some professionals were the subject of contemporary biographical sketches, and some even in full-length biographies and autobiographies. William Garrett’s reflections on his time in public service, Reminiscences of Public Men in Alabama, written in 1872, was a particularly useful source. The autobiographies by doctors Marion Sims and Charles Hentz are filled with comments about institutions, family, slavery and other themes that are emphasized in this study. Further, general histories of the state of Alabama contain boundless information on individual professionals and clues to their identities.

The final chapter describes the urban professional community’s relationship with the institution of slavery. Professionals owned slaves in higher frequency and in larger numbers than average whites, and they built municipal institutions and other mechanisms that helped slavery flourish in the antebellum period. Jails, courts, and town patrols, for example, helped maintain order between the master and slave classes. The historian Richard Wade wrote in the early 1960s that, “as cities grew, they produced conditions which first strained, then undermined, the regime of bondage in the South’s metropolises.” Since then many others have shown that during the antebellum period, slavery did not weaken in urban areas, but got stronger. My own research

confirms this. The economic boom that hit Alabama and the Deep South in the late 1850s led to an increased demand for slaves. As the prices for slaves rose correspondingly, urban professional slaveholders tended to increase their holdings in order to enhance their financial position. Professionals regularly participated in the nefarious interstate slave trade and some lobbied to reintroduce the African slave trade.\(^2\)

Although some themes are featured in separate chapters, politics and religion are overarching topics threaded throughout the narrative. Professionals increasingly exerted influence in the state legislature, and as the period advanced, rallied around particular political

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\(^2\) The domestic slave trade is the subject of much scholarship. Michael Tadman, *Speculators and Traders: Masters, Traders, and Slaves in the Old South* (Madison: The University of Wisconsin Press, 1989); Steven Deyle, *Carry Me Back: The Domestic Slave Trade in American Life* (Oxford: Oxford University Press, 2005); Walter Johnson, *Soul By Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999); and David L. Lightner, *Slavery and the Commerce Power: How the Struggle Against the Interstate Slave Trade Led to the Civil War* (New Haven: Yale University Press, 2006); Daima Ramey Berry, “In Pressing Need of Cash”: Gender, Skill, and Family Persistence in the Domestic Slave Trade, *Journal of African American History* (January 2007), 22-36; and Tadman, “The Reputation of the Slave Trader in Southern History and Social Memory of the South” *American Nineteenth Century History* (September 2007), 247-271. These excellent studies are connected by a consensus that domestic slave trading was more prevalent than previously thought. Tadman’s work convincingly argues that domestic slave traders were considered respectable members of the business community, and his article for *American Nineteenth Century History* notes a couple examples of physicians who were also slave traders. I did not find an example of a professional/slave trader in Alabama, but it is likely they were out there.
They also espoused political views as editors of many newspapers. For the most part, however, I have chosen not to launch a close analysis of professionals and their politics for the simple reason that, as a community, they represented all points on the political spectrum. Thus a dissertation about professionals and politics in antebellum Alabama would quickly turn into a story about antebellum Alabama politics.

In the course of promoting Whig and Democratic views, professionals sustained the religious institutions that were important locally. They led efforts to raise funds to build churches in towns, and helped recruit primarily Presbyterian, Baptist and Methodist pastors to lead congregations. These pastors had often earned degrees at divinity schools or divinity departments at colleges. Town ministers served as trustees on school and college boards, and were visible leaders in their local communities. Reflecting the priorities of these local ministries, other types of professionals insisted upon moral soundness among themselves and their neighbors. They defined morality in terms of social gospel, based on maintaining community order and promoting the values of an agricultural society. As one historian of antebellum religion noted, by the 1830s religious leaders “considered the agricultural South the last great bastion of traditional morality.”

Professionals encouraged fairness, honesty, and decency. Most scorned the use of tobacco, card playing, betting on horses, and bowling, despite the popularity of these diversions.

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along the frontier. One Huntsville doctor noted that a lady friend was a talented impersonator, and “would I think like to become an actress, if with us the calling were more honorable.” Honor, nobility, and morality were words used often and interchangeably by antebellum professionals.

Yet as this study concentrates on themes of family, education, identity, and slavery, one of its challenges was to move the story forward in time. In order to facilitate this, I use the life and livelihood of Dr. Thomas Fearn to tell a human story within the broader themes I discuss. Fearn was a physician, merchant, planter, and capitalist, who first came to Alabama in 1810 and stayed for life. The Fearn anecdotes that begin each chapter show how Dr. Fearn built a successful medical practice, served under Andrew Jackson in the Creek War, became a shareholder in the Planters and Merchants banks, traveled to Europe to study surgical procedures, sat on the board of trustees for the University of Alabama, spent time on the Alabama State Legislature, married and fathered eleven children, bought land, joined the American Colonization Society, tripled the size of his home on Franklin Street, helped fund a canal project, partnered with his brother George to purchase a dilapidated Water Works, bought more land, and owned dozens of slaves.


26 Dr. Thomas Fearn is used extensively in this dissertation. Fearn’s information comes primarily from the Alabama of Department of Archives and History, and the home of the late Olin King in Huntsville. The King home is the same house on Franklin Street that Fearn constructed, expanded and lived in between 1821 and 1863.
Like Fearn, the professional community changed over time, due to demographic shifts and an emerging southern identity. By 1860, there were twice as many professional men in Alabama who were born in the South under the age of forty than over. The professional community was losing the diversity that came with steady immigration.²⁷ In addition, as political and economic tensions grew between the South and the North, younger southern-born professionals holding positions of authority in Alabama’s state institutions tended to be the ones who screamed loudest. The historian John McCardell wrote, “The typical southern nationalist…was a young, professional man with a stake in agriculture, engaged in a law practice that kept him close to cities or towns, which in turn exposed him to events in the wider world.”²⁸ Like the older generation, Alabama’s new core of professionals, like fire-eaters like William Lowndes Yancey and Cullen Battle, would employ the language of the American Revolution. Like their professional forebears, the younger generation battled the status quo, and in doing so, created entirely new consequences.

²⁷ According the to database, in 1860 eighty-two of the 453 professionals in the database were born in Alabama, a state that had only existed for forty-one years.

CHAPTER ONE
Ordering the Hinterlands: Institution-Building Alabama Professionals, 1803—1819

By any measure, Huntsville’s Dr. Thomas Fearn was a successful antebellum professional. He amassed a fortune in land and slaves, and helped build the types of local and state institutions that brought Alabama from territorial status to statehood. Fearn’s life story demonstrates the necessity of having a vibrant professional community in emerging Alabama towns. As professionals joined their new neighbors building homesteads—crafting cabins out of hewn logs, building drainage ditches, raising fences and improving acreage—they also created public institutions like post offices, courthouses, jails, and schools. Thomas Fearn was one of countless institution-building professionals who overcame the challenges of building a life and a practice in a frontier. Each brought to Alabama life experiences that encouraged growth and innovation.

Yet growth came at a price, and happened unevenly in different parts of Alabama. Therefore, being a professional meant different things in different regions. Unlike North Alabama, where Fearn settled, the southern portion of the territory was remote and inaccessible to markets, conditions that did not encourage a healthy stream of immigration. Federal troops were permanently garrisoned on the southern border. Lawyers worked in close connection with
military officials in an environment that was often hostile to white settlers. With low numbers of potential clients, southern Alabama was not a place to develop a practice.29

Still, select professionals made important contributions in this Tombigbee region, enhancing the prospects of a territory that was as an actual and a symbolic vanguard for the young republic. In 1803, the Louisiana Purchase added nearly 524 million acres of territory to the United States, doubling the size of the country. Rapid resettlement of American whites westward from soil-depleted regions along the eastern seaboard became a high priority for the federal government. Bordering Spanish-controlled West Florida, this interior served as a buffer that had to be monitored and regulated for reasons of national security. Likewise, the hinterlands offered an opportunity for republican idealists to test President Thomas Jefferson’s theories about virtuous communities of self-sufficient farmers. Hoping to secure the area by willing a community of white farmers into existence, Jefferson declared that the region must be populated in a “summary manner.”30 Professionals who settled here in the early years of the nineteenth century, although few in numbers, generally occupied important federal positions.


30 Alan V. Briceland, “The Mississippi Territorial Land Board East of the Pearl River, 1804,” *Alabama Review* XXXII (January 1979), 37. In addition to the geopolitical arguments, Drew McCoy makes the point that Jefferson felt he was in a race against time to settle these lands due to a recent fascination with the writings of Thomas Malthus, British social commentator. In work published in 1798, Malthus argued that the rate of population growth was inevitably unsustainable due to overcrowding, disease and war. Access to arable lands was the only offset to immediate deterioration of society, and even that only delayed the inevitable. See Thomas Malthus, *An Essay on the Principle of Population* (London, 1798); and Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill: The University of North Carolina Press, 1980), 190-195. Understanding Jefferson is a lifelong pursuit. The best
But the area was still a wilderness. Before the Louisiana Purchase there had been little in the way of community building and virtually no professional community. A census of the Mississippi Territory taken in 1800 showed a white population of only 1,250. Most of the area was still controlled by four major tribes: the Creeks, Cherokees, Choctaws and Chickasaws. Without an influx of white men loyal to the American cause, this vital barrier region could not be a secure property for the United States. Should hostilities break out between the United States and Spain, Britain, or France, there was no reliable militia to stop the enemies of the young republic from arming and allying with the southwestern tribes.

As the United States Senate struggled to ratify the Louisiana treaty in the fall of 1803, Jefferson appointed a three-person commission charged with “regulating grants of lands, and providing for the disposal of the United States, south of the State of Tennessee.” The commission met at an old Spanish fort, Fort Stoddert, which was now a U.S. garrison. Leading the commission to the Tombigbee area was a middle-aged lawyer from Connecticut named Ephraim Kirby. Through his eyes, one can see many of the challenges early professionals faced trying to create an American society in the forests of a hinterland. His tortuous trip to the southern Alabama lands and his work there are emblematic of the journey and experiences of


31 Haynes, The Mississippi Territory and the Southwest Frontier, 134.

32 A copy of the appointment is located in Ephraim Kirby Papers 1763-1879, Perkins Library, Duke University.
many first-generation American travelers, especially those who sought advancement through the professions.  

Kirby held professional credentials that were sure to get him noticed. He was born in Connecticut on February 23, 1757 and fought in the American Revolution. In 1787, Kirby received a diploma from Yale College and began a legal career shortly thereafter. While developing his practice, Kirby continued to advance his military career. During the 1790s he received three separate commissions, rising to Lieutenant Colonel of the Connecticut 17th Regiment. In addition to legal and military advancement, Kirby elevated his social status by becoming a member of the Society of the Cincinnati, the fraternal organization that supported fellowship among former officers of the American Revolution and included some of the most prominent men in the country, including George Washington. Patriotic, ambitious, connected, sensitive to the rule of law, and eager to serve his country, Kirby’s resume and reputation eventually captured the attention of Jefferson. And the president rewarded him first with an appointment as federal supervisor in Connecticut, and then as commissioner for “Settlement of Land Claims in Territory East of Pearl River” in the Mississippi Territory in 1803.

Travel from Connecticut to the Tombigbee region was difficult. Kirby’s journey demonstrates many of the physical obstacles professionals had to overcome to relocate to the interior. “After encountering every imaginable difficulty and experiencing almost every imaginable hardship and danger, I now find myself at Fort Stoddert,” an exhausted Kirby


34 Based on documents found in Ephraim Kirby Papers 1763-1879, Perkins Library Duke University.
reported to Postmaster Gideon Granger in early February 1804.\textsuperscript{35} The last leg of the journey from Natchez to his final destination was an especially “long and unpleasant passage.”\textsuperscript{36} With no lodging along the way, Kirby and his small party of escorts were forced to sleep outside in the woods almost every night during the three hundred mile march. The beleaguered appointee commented that the route he took was seldom used “unless by woods-men as the traveler must be a considerable time in the woods and compelled to swim unfordable streams.”\textsuperscript{37} Travel was especially tough in winter months when temperatures dropped below freezing and moisture from the Gulf of Mexico frequently produced stinging rains.

As demanding as the trip was, coming to Fort Stoddert by way of Natchez was Kirby’s best option. South to New Orleans and, form there, Mobile, would have added several weeks to his trip and meant dealing with the Spanish. An approach from the east was more hazardous, and involved travel along unpredictable paths through Creek Indian country. Moreover, there were no roads that connected the southern Alabama lands north to Tennessee.\textsuperscript{38} The Natchez/Fort Stoddert route was Kirby’s best option and it enabled him to pass through the town of

\textsuperscript{35} Kirby to Gideon Granger, February 5, 1804, Ephraim Kirby Papers 1763-1879, Perkins Library, Duke University.

\textsuperscript{36} Kirby to William C. C. Claiborne, February 4, 1804, Ephraim Kirby Papers 1763-1879, Perkins Library, Duke University.

\textsuperscript{37} Kirby to Thomas Jefferson, July 1, 1804, Ephraim Kirby Papers 1763-1879, Perkins Library, Duke University.

\textsuperscript{38} Henry DeLeon Southerland, Jr. and Jerry Elijah Brown, \textit{The Federal Road Through Georgia, the Creek Nation, and Alabama, 1806-1836} (Tuscaloosa: The University of Alabama Press, 1989); Jeffrey C. Benton, ed., \textit{The Very Worst Road: Travelers’ Accounts of Crossing Alabama’s Old Creek Indian Territory, 1820-1847} (Tuscaloosa: The University of Alabama Press, 1998); William C. Davis, \textit{A Way Through the Wilderness: The Natchez Trace and the Civilization of the Southern Frontier} (Baton Rouge: Louisiana State University Press, 1995); and Haynes, \textit{The Mississippi Territory and the Southwest Frontier} 128-130.
Washington (located several dozen miles inland from Natchez), which was the seat of the Mississippi Territory. Kirby needed to stop there anyway to retrieve necessary paperwork to fulfill the commission’s assignment.

Kirby’s assignment underlines the fact that being a professional in this early phase of Alabama history meant accepting a range of duties and challenges. Unlike Fearn, Kirby did not move to Alabama to build a private practice. When Kirby arrived at Fort Stoddert he found what he insisted was a community of poor whites forming an island of miscreants and ne’er-do-wells. In contrast, Fearn arrived in Huntsville and found slaveholding families in need of his professional services. Like Fearn, Kirby came into contact with most of the two hundred families who lived in the vicinity. Yet where Fearn met patients at their homesteads, Kirby’s met his clients at a military fort. 39

Certainly, the act of seating a board of land commissioners at a military installation points to the coercive nature of the settlement process. Lawyers who manned these offices were seen as extensions of the region’s military authority even though they were under civilian

39 The land claims business in the early nineteenth century worked decidedly in favor of the federal government. At Tombigbee, claimants approached Kirby’s commission in order to remedy worthless British warrants or Spanish patents on lands that they had spent years improving. The commission offered them new titles on lesser acreage, for a small fee. Thus the process produced thousands of new acres of land for future government land auctions. Doster, James F., “Land Titles and Public Land Sales in Early Alabama,” Alabama Review XVI (April 1963), 109. The Land Ordinance Act of 1785 mandated that federal property had to be surveyed and platted in relationship to adjoining properties before it could be legally sold. Townships were to be six square miles, subdivided into one square mile sections of 640 acres each. The first land offices in the US were not opened until 1803. Significantly, two of the first twelve were established in the Mississippi Territory, one in Natchez and one at Fort Stoddert, which was referred to as the St. Stephens office. Malcolm J. Rohrbough, The Land Office Business: The Settlement and Administration of American Public Lands, 1789-1837 (New York: Oxford University Press, 1968); Thomas D. Clark and John D.W. Guice, The Old Southwest, 1795-1830; and Richard S. Lackey, compiler, Frontier Claims in the Lower South: Records and Claims Filed by Citizens of Alabama and Tombigbee River Settlements in the Mississippi Territory for Depredations by the Creek Indians During the War of 1812 (New Orleans, 1977).
contracts signed by the federal government. The selection of Fort Stoddert as the place to house the land commission was something of a default choice, as the garrison was one of few edifices in the region large enough to satisfy the needs of the commissioners. Claimants summoned to appear before the land board to acquire a clear title had to register their name and to take an oath of allegiance. This meant entering a military installation armed with men in uniform. Many certainly must have felt like they were in a military recruitment facility rather than in a land office.

While one can only speculate on the thoughts of the claimants, Kirby’s impressions of them were well recorded. On one hand, he appreciated their cooperation, which was essential to the process of moving the title work forward. Early on he had written Postmaster Granger that the work would proceed apace because the inhabitants “have been preparing for their business in expectation of the arrival of the commissioners…. The business will progress with so much more dispatch and convenience to the parties concerned by reason of its superior state of preparation.”[^40] He too was excited about the region’s overall value to the U.S. both for its commercial potential and for reasons of national security. He enthusiastically proclaimed that, “the United States must possess this place. It will in a few years become of primary importance.”

At most times, though, Kirby’s views of the locals were not so generous. “The present inhabitants,” he wrote, “are generally without integrity, morality, industry, or any other good quality.” The remoteness of the area kept the “population checked, and the enterprise and industry of the people paralyzed.”[^41] Kirby’s conflicting statements suggest a man at odds with

[^40]: Kirby to Gideon Granger, February 5, 1804, Ephraim Kirby Papers 1763-1879, Perkins Library, Duke University.

[^41]: Ibid.
his environment, one who realized that southern Alabama was a long way, geographically and culturally, from his home in Connecticut.

Notwithstanding an elitist spirit that may have put him at odds with some locals, the presence of this well-credentialed professional man gave policymakers in Washington an extra set of eyes on the ground. And Kirby’s views seemed to have helped shape federal policy in that part of the country. The U.S. still honored treaties with the Choctaw Indians who hunted on lands surrounding the Tombigbee community. But the Choctaws were in wretched condition. According to Kirby, they “were miserably poor. The settlements have advanced upon them until the game has become scarce and…debauchery resulting from their frequent intercourse with white people has increased their poverty and distress to an extreme degree.” The Creek Nation, conversely, which was separated to the east of the Tombigbee settlement by the Choctaw lands, “appear to be a savage of a different character” because “they are more disposed to industry, understand better the value of property, and may be led to the practice of agriculture and domestic arts.” Instead of removing Creeks, Kirby suggested that perhaps the Nation be transformed into a tribe of self-sufficient farmers. In doing so the tribe could peaceably yield millions of arable acres of sacred hunting grounds to the U.S. How well Kirby understood the Creeks is conjectural, but such was his hope in 1804. In the meantime, the few thousand pitiable Choctaw Indians provided something of a buffer between the American settlers and the Creek Indians.


43 Kirby to Jefferson, July 1, 1804, Ephraim Kirby Papers 1763-1879, Perkins Library, Duke University.
Mostly, though, Kirby continued to express concerns over the isolation of the southern region. He believed that having access to open markets encouraged higher moral bearings of his white neighbors. He told the president that without access to commercial markets that would allow the local community to exchange goods freely and profitably, the present inhabitants “will naturally become a banditti, fugitives from justice and disturbers of the peace of our frontiers.” Kirby believed that even if members of the community were law-abiding citizens before they arrived, the inaccessibility of the place would eventually corrupt them. Without better roads, improved navigation of local rivers, and a solution to the Spanish problem in Mobile, developing a productive society here would be unlikely. Kirby noted, “so long as the people continue in their present insulated condition, it cannot be expected that they will possess that degree of moral and political virtue which is essential to the existence of a free government.” Nor, he might have added, would such a society value the services of a professional community.

The absence of professional colleagues depressed Kirby. He was mostly unhappy during his time at Fort Stoddard and longed to leave. A little over a month into his assignment he whined, “I most earnestly look for the termination of my official duties in this wild region….From my first arrival at this place…I have but little business, no amusement, and no society.” Kirby missed the comforts of his Yankee homeland, his friends, and his family. To

44 McCoy, Elusive Republic, 186. McCoy writes that three conditions were necessary for a republican political economy to thrive, the last being access to “a relatively liberal international commercial order that would offer adequate foreign markets for America’s flourishing agricultural surplus.” Any disruption to the liberal commercial order was a disruption to the republican economy.

45 Kirby to Jefferson, April 20, 1804, Ephraim Kirby Papers 1763-1879, Perkins Library, Duke University. For a broader discussion on the importance of virtuous farmers in post-Louisiana Purchase trans-Appalachian lands, see McCoy, Elusive Republic, especially pages 196 and 197.
assuage his loneliness, his requests for provisions, which were used as gifts to local chiefs as well as for personal reasons, grew increasingly elaborate. In one instance, he described in exquisite detail which particular bottles of red wine and Madeira should be brought up from Mobile to the fort. Most significantly, Kirby began to suffer from an illness in August 1804 that grew more severe over time.

Remarkably, considering Kirby’s health and low enthusiasm for the project, the land board was able to make progress. Lacking proper maps and documents, the commissioners frequently had to rule arbitrarily, a circumstance that speeded up the process. In one case, a French-speaking carpenter who worked at Fort Stoddert asked the board to clear his title based only on his word: “he believes the title to be in Orleans but is doubtful if you could extend your indulgence so far as to give him time to procure them from thence, and in that case would wish to lay a claim to a donation.” The board complied with the wishes of the carpenter. By the middle of July 1804, less than five months after arriving, the team finished the bulk of its work, and Jefferson appointed Kirby to a new post that made him a judge of the Mississippi Territory, east of the Pearl River. This assignment moved him to the town of Washington, a place with more of the amenities Kirby craved and not far removed from prosperous Natchez. But as his spirit improved, his body weakened. Kirby grew very sick and needed two months to recover. He rallied, briefly, but the illness was relentless. Judge Ephraim Kirby died on October 20th,
eight and a half months after arriving. Kirby’s death at Fort Stoddert serves as more than just a poignant moment in time, or an interesting historical footnote. The death of an archetypal first-generation American professional at a military garrison in the middle of a hinterlands serves as a memorial to the cooperative nature of the military and the learned, institution-building professions during the early years of Alabama.

After Kirby’s death, Jefferson appointed Harry Toulmin as a replacement. Toulmin was an acquaintance of Jefferson and had recently served as Secretary of State for Kentucky. Toulmin accepted the vacant judicial post on November 22, 1804, and he would call Alabama home for the next two decades. Toulmin’s professional career contrasted with Kirby’s career in almost every imaginable way. Unlike his predecessor, Toulmin did not fight in the American Revolution. In fact, he was born in England in 1766 and only migrated to the United States in 1793. Harry was one of twelve children born to the radical Dissenting minister Joshua Toulmin. Following in his father’s footsteps, the son completed his theological training and became a Dissenting minister, meaning he was part of a Christian group that separated from the Anglican Church, and strongly advocated for the separation of church and state. After finishing schooling,

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50 The president reserved the right to appoint Territorial governors and judges. The US Congress, meanwhile, reserved the power to appoint members of the Legislative Council, and that was usually accomplished after a nomination process that began in the territory. The general assembly was elected by the votes of residents. Citizens of the United States had the right to vote after one year of residence; non-citizens could vote upon completion of three years residence. The foreign immigrant vote became particularly important in the southern portion of the territory, closest to Mobile.
the younger Toulmin left England for Norfolk, Virginia to establish a seminary for like-minded theologians. Unlike Kirby, Toulmin had no military training. He was primarily a theologian and a voracious reader who used a brilliant, facile mind to teach himself legal theory. Indeed, there is no record that Judge Toulmin ever practiced law or that he was admitted to any bar association. One did not need either a degree or license in law to become a judge. Although his learned profession was as a clergyman, his expertise became American jurisprudence.51

Toulmin’s journey from Virginia to Alabama took many years. During his time in Virginia—and probably due to the reputation of his widely published father—Toulmin drew the attention of both James Madison and Thomas Jefferson. Restless to explore America and to make a mark in his new country, Toulmin soon began speculating in western lands. While traveling in the new state of Kentucky, Toulmin got to know several trustees of the newly chartered Transylvania College in Lexington. Impressed by the knowledge and character of the Englishman, the trustees offered him the presidency of the college, which Toulmin accepted in 1794. Toulmin held the university post for two years before the Presbyterian trustees forced him to resign, correctly suspecting that the trained Dissenter harbored Unitarian sentiments. Afterward Toulmin became secretary of state for Kentucky and held that position until 1804.52

During his time in office, Toulmin witnessed Kentucky’s transition from a sparsely populated wilderness to a burgeoning state bustling with commercial activity. And while in

51 Paul M. Pruitt, Jr., Taming Alabama: Lawyers and Reformers, 1804—1929 (Tuscaloosa: The University of Alabama Press, 2009), 1-13; Haynes, The Mississippi Territory and the Southwest Frontier, 1795—1817, 263-265; and see biographical documents in Harry Toulmin Papers, ADAH.

Kentucky, Toulmin found himself at the epicenter of the Second Great Awakening, a series of religious revivals that swept through his state in the early 1800s. Witnessing the politicization of several thousand enthusiasts was unnerving, for Toulmin did not believe there was a place for religion in politics. Reports of uncontrolled mobs of worshippers surely offended the strong sense of order instilled in him as a young theologian. These experiences—both with economic expansion and religious revivalism—were invaluable to Toulmin, and he drew upon them after he was selected to replace Kirby as judge of the area east of the Pearl River (the St. Stephens settlement) in the Mississippi Territory.  

No one would do more than Toulmin in this early period to lay the foundation for a professional culture in the southern portion of the Alabama lands, but before he could focus on developing institutions, he had to deal with ongoing diplomatic issues. The immediate concern remained Spain. Though a decaying empire, Spain’s impotence made the Catholic nation unpredictable and dangerous. The struggling European nation vigorously disputed carelessly drawn boundaries of the Louisiana Purchase. For months after the treaty was approved in the Senate, the U.S. and Spain were on the verge of a war that neither side wanted. Had the two

[53] Stephen Aron, *How the West was Lost: The Transformation of Kentucky from Daniel Boone to Henry Clay* (Baltimore: The Johns Hopkins Press, 1996), 2. Toulmin, *Description of Kentucky* (1807); A brief account of Toulmin’s time at Transylvania College is recounted in Dr. Robert Peter, *The History of the Medical College of Transylvania University* (Louisville: John P. Morton, 1905.), “Prepared for publication by his daughter Miss Johanna Peters, Member of the Filson Club.” A recent treatment of Harry Toulmin is also found in Haynes, 263-265. Haynes notes that Toulmin grew frustrated in Kentucky, partly out of a feeling that he was a victim of xenophobia. Haynes quotes Toulmin as saying that he was guilty of “the unpardonable sin of drawing my first breath in a foreign country,” 264. There are many books on the Second Great Awakening. The best ones for the social and political implications of the movement are John B. Boles, *The Great Revival: Beginnings of the Bible Belt* (Lexington: The University of Kentucky Press, 1972); and Nathan O. Hatch, *The Democratization of American Christianity* (New Haven: Yale University Press, 1989).
nations fought each other in 1804 or 1805, it would have represented little more than a pillow fight especially when compared to the massive pitched battles fought across the European continent during the age of Napoleon. In place of combat, Spain employed an effective sanction by adding a twelve percent tax on goods deposited in Mobile. In a letter to Madison, Secretary of State under Jefferson, Toulmin complained, “such an extraction as you may well conceive, must be ruinous to the country, and is moreover the source of perpetual heartburnings and contention between our citizens and the subjects of his Catholic majesty.” Moreover, Spain continued to nurture trade relationships with nearby Indians, which made the American population in the hinterlands uneasy.

In Toulmin’s first years as judge in Alabama, these border tensions consumed much of his attention. Despite a new road that connected the region with Georgia, the population had risen only slightly and now totaled 2,010, a modest increase compared to what was happening in the two other main regions of the Mississippi Territory, Natchez and Madison County. There was also a slight improvement in relations with Spain. On Dec. 23, 1806, The Mississippi Messenger informed its subscribers that the court of Madrid “ordered the Spanish officers on the Mobile to permit American vessels to navigate the stream, without being charged with other duties than

54 The US army in 1804 was under the command of the controversial James Wilkerson. As a resident of Kentucky in the 1780s, Wilkerson headed a separatist movement and ultimately accepted a secret Spanish pension of $2000 per year. In 1806, he was involved in the Burr controversy—a colorful episode where the former Vice President of the United States tried to establish a separate country west of the Mississippi—first as a co-conspirator, then as an informer. He became widely distrusted in the Mississippi Territory, but managed to keep his official duties until the War of 1812. See Haynes, The Mississippi Territory and the Southwest Frontier, 140-168.

55 Harry Toulmin to Secretary of State James Madison, July 6, 1805, Harry Toulmin Papers, ADAH.
such as are chargeable on Spanish vessels navigating the Mississippi.”

56 The small concession by Spain did little to offset tensions between it and the American government, and Toulmin was in the center of the maelstrom. Spain soon began to offer free land to settlers on the American side if they were willing to move to West Florida. Three American men, in fact, armed themselves and undertook an unauthorized military expedition in Spanish West Florida that could have had serious international repercussions had not Toulmin used, or perhaps exceeded, his authority to expeditiously bring the men to justice. 57

That crisis averted, in 1813 Mobile became an American property and border issues with Spain evaporated.

Besides the dexterity and strong-handedness he displayed as a border judge, Toulmin was a critical thinker who used his professional training to write treatises on society and law. He often contemplated the state of his society and the role of coercion in maintaining order. His writings shared Kirby’s earlier sentiments, and reflected his frustration with the slow pace at which the Tombigbee settlement was moving. “You are too well acquainted with the complexions of society in new Settlements,” he wrote to one colleague, “not to be aware of the extreme difficulty of maintaining in them the dignity of the laws and the authority of the Government.”

58 His explanation of the process by which he and other territorial judges were appointed betrayed distrust for the local population. He wrote that the right to appoint judges was reserved by the federal government because “Congress anticipated the evils which would result from the cautious and disorganized spirit of the undigested and heterogeneous mass of Territorial

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56 The Mississippi Messenger, December 23, 1806.

57 Taken from a certificate sworn by R.H.Seal, November 5, 1811, Harry Toumin Papers, ADAH. The three men were Bailey Heard, William Baldwin, and Donald Campbell.

58 Toulmin to Samuel Postlewait, October 21, 1811, Harry Toumin Papers, ADAH,
population.” Over time, he counseled in an enlightened if still paternalistic tone. “We have been in the state of political darkness. The light, however, has continued to dawn on us”; and “we are… in a state of minority. But we shall shortly advance to a state of manhood.” In 1821, Toulmin consolidated many of his thoughts about ordering society and law when he drafted the first digest of laws for the State of Alabama.59

In Toulmin’s mind, the Tombigbee region lacked a mature society, and the situation was getting worse. Instead of a society based on industry and morality led by community-building professionals, Toulmin saw the opposite. “There is less of productive labor,” he wrote in 1816,” than there was in former times—that is to say, that the increase of hands to work, has not been in proportion to the increase of mouths to eat.” He set blame for the new conditions squarely on the shoulders of those with resources, who failed miserably to meet Toulmin’s expectations.

“Among the fashionable, who are come to be a very numerous body, labor is held in scorn: in their estimate, a worthless idler, with a fine coat and a lily hand, is entitled to rank far above the man of industry and thrift.” The next generation, in particular, showed little promise. “Our youth,” he wrote, “have an uppish disposition.” According to Toulmin, these young people would rather do anything but plow a field.60 Despite Toulmin’s criticisms, his reputation was one of the main reasons that territory leaders selected St. Stephens to be the capital of the new Alabama Territory in 1817.

As Toulmin’s Tombigbee community struggled for most of the territorial period, Thomas Fearn’s town of Huntsville in the north prospered. Indeed, Fearn’s accomplishments had as much to do with the decision to build a practice in fast-growing North Alabama as it did with his own


60 Printed in *The Supporter* (Chillicothe, OH) November 5, 1816.
gifts and talent. Fearn was born the second son of a prosperous farming family near Danville, Virginia on November 15, 1789. Although laws of primogeniture no longer existed, custom dictated that his older brother should inherit the family farm; hence young Thomas was encouraged to pursue formal schooling and a professional career. This meant an academic track that included school in Danville, and Washington Academy (now Washington and Lee University) in Lexington, where he graduated in 1806. Fearn then left Virginia to study medicine in Philadelphia and graduated from the Old Medical College in 1810. Upon earning a diploma from medical school, he wasted little time launching a professional career.\footnote{Fearn’s biographical information can be found in several places, including Thomas McAdory Owen, \textit{History of Alabama and Dictionary of Alabama Biography}, V III (Chicago: 1921). Fearn family history is located in Elizabeth Lee Fearn Cabell and Elizabeth Lee Lusk, \textit{The Fearn’s of Virginia and Some Allied Families} (1973).}

With a degree in hand, Fearn immediately headed to the Mississippi Territory, a region that would later form the states of Mississippi and Alabama. It was a wise choice: recent federal land sales drew thousands of new immigrant families who were in need of the services of qualified physicians. After some time on the road, Fearn stopped in the village of Huntsville, the seat of newly created Madison County. Whether he intended to stay permanently in this growing village is unknown. Most doctors of this era bounced around from town to town, trying to find communities that had the right combination of paying patients and treatable diseases to make their practices worthwhile.\footnote{See} In any event, Fearn settled in Huntsville and called the town home for the remainder of his life.

Once settled, Fearn’s practice flourished, and so did his reputation. By his second year in Alabama, 1811, Fearn had formed a medical partnership with another doctor, John McGhee. In its first eighteen months, Fearn and McGhee treated more than one hundred families, a number...
that represented over half the town’s population. He charged $5.25 for a 24 hour visit, $8.25 for a 36 hour visit, and $4.25 to spend the night. Fearn billed Josea Wheat twenty-five cents for a vial of elixir; and charged fifty cents for pulling George Worley’s sore tooth. When future Alabama governor Clement C. Clay stopped in for a consultation dealing with an unspecified complaint, Fearn gave him two opium pills along with a bill for $5.25. During sick months—July of 1811 was a particularly bad one—Fearn spent many nights away from home attending to the treatment of patients. His medical journal reveals that over time he began setting up longer term arrangements with patients. These contracts show that even though he had been in Huntsville for a short period of time, he was thinking of settling down. In May 1812, Benjamin Cash put Fearn on a retainer. For a fee of $20, he would be available to Cash and his family at all times, day or night. After a year and half, Fearn and his partner had a respectable practice that treated most of Huntsville’s prominent citizens, and during this time the partnership collected a total of $1,358.37 in fees.63

With his popularity growing in town, Fearn developed a regional reputation that matched his local one. As Andrew Jackson passed through Huntsville in 1813 on his way to engage the Creek Indians in battle, the future president tapped Fearn to be his chief surgeon, an appointment that further elevated Fearn’s status. Upon returning to Huntsville in March 1814, Jackson gave his new chief surgeon responsibility for managing the treatment of sick and wounded soldiers. Jackson ordered Fearn to “take charge of the Hospital of Huntsville,” which was set up at the home of Leroy Pope, and to make certain that “all the sick and wounded of the army are to be attended by you.” 64 Fearn parlayed his growing medical practice and reputation to become a

63 The Fearn Medical Journal, 1811-1812, HMCPL.

64 Andrew Jackson to Thomas Fearn, March 14, 1814, Thomas Fearn Collection, ADAH.
trustee on the board of Huntsville’s Green Academy, and a shareholder in the Planters and Merchants Bank. At this time he also invested in the Indian Creek Navigation Company, which was formed to dig a canal from Huntsville to the Tennessee River. When it was time for a state convention to write a constitution, Fearn and his professional colleagues made Huntsville an obvious choice to host it, and the town became Alabama’s first capital.65

With productive lands, access to markets, and an easing of tensions with native tribes, immigrants arrived by the hundreds, and Madison County became a magnet for professionals eager to buy land and provide professional services. Lawyers, doctors and ministers always found greater benefits serving the needs of whole families rather than taking care of single, rootless men. Back in 1809 the territorial government funded a squatter census in anticipation of the federal land auction that was to be held later that year in Nashville.66 By that time more than two thousand people called Madison County home, a number that already eclipsed the total in the Tombigbee region despite that settlement’s head start. There were 353 families, including single person heads of households. Eighty-two families in Madison County reported owning at least one slave, and two men owned seventeen each. Slaves were valuable in the Alabama hinterlands even before fields were cleared and ready to grow cotton. A lone female slave could cook, clean, sew, babysit, and allow the mother and the older children to join the father in the field. Adult male slaves were valuable for the backbreaking work of clearing fields. Productive slaveholding families formed the foundation upon which professionals in Madison County could build their practices. Indian agent Return Johnny Meigs noted that these immigrants were “reputable well informed, & rich in Cattle & horses…not hunting [but] agriculture their sole

65 William H. Brantley, Jr., Three Capitals: A Book About the First Three Capitals of Alabama—St. Stephens, Huntsville & Cahawba (Tuscaloosa: The University of Alabama Press, 1947),

66 Madison County Squatter Census, 1809, HMCPL.
pursuit.” Families improving their lands were likely to stay for a while, which was good news for the growing professional community.

Lawyers, especially, flocked to Madison County hoping to capitalize on the infusion of land claims brought about by the rapid settlement. Disputes over property in Madison County usually concerned the colonial claims of Georgia along with a land fraud scheme that originated in that state, called the Yazoo Fraud. In addition, the enthusiasm of immigrants often pushed the boundaries of white settlement into Choctaw and Cherokee lands. Lawyers therefore worked with the federal Indian Department to preserve order on the outskirts of the settlement. Indian relations created other legal questions.

When Thomas Fearn arrived in 1810, he was just one of several professional men to see opportunities in North Alabama. Of these professionals, two would play important roles in the history of the state of Alabama: Clement Comer Clay and John Williams Walker. Both were educated and trained lawyers. They were speculators seeking paying clients and good land. Like

67 Return J. Meigs to John Smith, Acting Secretary of War, June 12, 1809, Online Collection, HMCPL.

68 The state of Georgia ceded lands west of its present western border to the US government in 1802, in an agreement referred to as the Georgia Compact. In exchange for 1.25 million dollars in revenues off sales, Georgia extinguished its colonial claims to lands that now comprised Alabama and Mississippi. Several years before, in 1794, the Georgia legislature awarded much of these lands to five separate land companies who resold them to speculators, and then settlers. A year later, the state repealed the Yazoo legislation, but by that time there was no easy way to undo the purchases that had been transacted in the previous months. The controversy hung in the air for over two decades. See Peter C. Magrath, C., Yazoo, Law and Politics in the New Republic: The Case of Fletcher V Peck (New York: W.W. Norton & Co., 1966); Thomas Perkins Abernathy, The Formative Period in Alabama, 1815-1828 (Tuscaloosa: The University of Alabama Press, 1923), 64-71; McLoughlin, Cherokee Renascence, 22; Dumas Malone, Jefferson the President, First Term, 1801-1805, 447-451; and “The Letters of a Farmer to the People of Georgia, or the Constitutionality, Policy and Legality of the late Sales of Western Lands Examined, to Which is Added, An attempt to distinguish Party from Patriotism by shewing some of the leading Features of each. Addressed to the People of Georgia, by a Citizen of that State,” (Charleston, South Carolina, 1796).
Fearn, many of their experiences were typical of other young professionals who moved to Alabama at the time. Clay rode into Huntsville in 1811 carrying a saddlebag of law books. He arrived with a male slave, two horses, and little cash. Clay came from a family that was not wealthy but which had resources to provide a formal education. He was born in Virginia in 1789, and was first tutored by his great uncle Hopkins Muse. After the family relocated to Knoxville, Clay enrolled in the University of East Tennessee (which later became the University of Tennessee) and was among the school’s first graduates. In Knoxville, he read the law under Hugh Lawson White, future United States Senator and Whig candidate for president in 1836, and Clay earned a license to practice law in 1809.⁶⁹ Clement Clay was unmarried when he left Knoxville, thus the move held the intriguing possibility of an advantageous marriage into a wealthy family.

Although single, Clay had family members who had already settled in the recently organized county. Clay may have ridden into town unaccompanied except for a slave, but he was not alone when he got there. The security that family provided certainly lessened the anxiety of relocating for professionals and non-professionals alike. Clay’s older sister Margaret and her husband John Bunch had been in the area for at least two years because their names appear in the 1809 squatter census; the husband and wife are listed along with a daughter and four slaves.⁷⁰ When Clay bought his first acres of land and hung a shingle for his law practice, he did so knowing that kinfolk were nearby to pick up the pieces should the whims of destiny conspire

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⁷⁰ 1809 Squatter Census for Madison County, HMCPL.
against him. That is not to say that his move to the Alabama lands in 1811 was not bold and risky. It was. But like so many other restless professionals anxious to advance their professional and planting careers in this up and coming territory, Clay was no daredevil.\textsuperscript{71}

The move for Clay was attractive for reasons that went beyond professional development, property ownership and the possibility of finding a suitable mate. Huntsville became a place of refuge from problems he faced back in Tennessee. In a bizarre twist of fortune, Clay was accused of stealing a neighbor’s hog, and the accusation eventually led him into a courtroom to defend his name.\textsuperscript{72} The controversy over the allegation lingered for years until Clay was finally arrested and charged with a felony. Although he was legally exonerated at trial, the experience in the courtroom was humiliating. At one point his challenger called him “a puppy,” and warned, “if he gave me more of his insolence, I would kick him out of the bar.”\textsuperscript{73} At minimum, Clay’s relocation allowed him to escape the embarrassment of the incident. Unable to find order in his life in Knoxville, Clay went to a place where his legal training would have an immediate impact an emerging community, and where fertile lands offered the promise of personal fortune.

In the case of lawyer John Williams Walker, this latter point mattered most. The promise of good lands and an abundant cotton crop was the driving force behind his relocation to Madison County. Trained but inexperienced in law, Walker had studied in Georgia at the school of Moses Waddell, a school that produced such southern stalwarts as William H. Crawford, John

\textsuperscript{71} Clays trip into Huntsville is described in Ruth Ketr ing Nuer mberger, The Clays of Alabama: A Planter-Lawyer-Politician Family, 5, 6.


\textsuperscript{73} Letter to Granger County newspaper, May 18, 1811, Clement C. Clay Papers, Perkins Library, Duke University.
C. Calhoun, and James Petigru. Walker graduated from Princeton College in 1807. When he moved to Alabama, the young lawyer was a handsome man, tall and slender with brown hair and blue eyes, highly intelligent and, judging by his letters, fiercely romantic. But his legal career always took a backseat to his planting ambitions. The Alabama lands were irresistible. He wrote to his brother in 1809 that, “the plantations of this territory has great advantages…over the plantations of Georgia. This land is much richer and the staple of this cotton better, its prices higher, its production per acre double.”

Still, like Clay, Walker may have had to move away from Georgia, or at the very least felt that way. Walker’s farm in the Broad River region of Georgia was not doing well. His two-year absence while studying in New Jersey probably contributed to some of the farm’s troubles, but there were other pressing concerns. For one, that section of Georgia below the Savannah River was feeling the effects of decades of soil erosion and many of its planters were leaving. This exodus created a glut of saleable land and caused the value of Williams’ real estate to shrink. In 1810, several of the wealthiest planters traveled to Nashville to bid on lands in Madison County, among them Leroy Pope, Walker’s future father-in-law. Another problem for Walker had to do with the general state of the economy. The southern economy was reeling as a consequence of Jefferson’s embargo on British and French imports. This policy was disastrous for many southern planters and smaller farmers who counted on access to foreign markets to move their cotton commodity. A move away from Georgia therefore seemed likely for Walker.

74 From a description of Walker by Richard Henry Wilde, in Albert James Pickett, History of Alabama and Incidentally of Georgia and Mississippi from the Earliest Period (Charleston, South Carolina: Walker and James, 1851), 637.

75 John Williams Walker to James Saunders Walker, February 26, 1809, John Williams Walker Papers, HMCPL.
The fact that Matilda Pope, with whom he was deeply smitten, was relocating to Huntsville with her father probably assured Walker would follow. As a bonus, he surely knew that the rush of claims and counter claims brought about by the recent federal land auctions would make his legal training invaluable. Walker moved in 1810.

Neither Walker nor Clay expressed a desire to become institution-builders, but their education and professional credentials made it likely that the locals would draft them to organize Huntsville’s institutions. Clay, Walker, and Fearn were deeply involved in most aspects of the town’s institution building. In the town of Huntsville, the seat of Madison County, the first court convened on January 10, 1810. With court in session, a jail was constructed, then a post office. In 1812, the community had its first newspaper, *The Madison Gazette*, and later that year opened the Green Academy for boys. This process followed a template that was repeated throughout frontier America. Institutions that provided for safety and public order preceded those that provided amenities and education.\(^76\) When Huntsville had sufficient wealth and commercial activity to necessitate a bank, the Planters and Merchants Bank was organized in 1816. Not surprisingly, Fearn, Clay, and Walker rapidly rose to positions of political power, serving in the state and in Congress. Clay eventually became governor of Alabama.\(^77\)

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\(^{77}\) Daniel S. Dupree, *Transforming the Cotton Frontier: Madison County, Alabama 1800-1840*; and Rogers, et al., *Alabama: The History of a Deep South State*; Frances C. Roberts,
Despite success building communities in northern Alabama, community leaders had to withstand an existential threat just a few short years after the Nashville land auction in 1809. In 1811, the great Shawnee chief Tecumseh visited Alabama with the goal of forming a pan-Indian alliance that would resist the tide of white migration. Talks with local chiefs in the region did little to advance his dream, yet Tecumseh managed to stir up elements within the Creek Nation who reasonably resented pressures felt by white migration. In 1813, tensions spilled over and war broke out, setting off a chain of events that helped transform the Alabama lands into a state. American troops and their Indian allies fought battles with warriors from the Creek Nation. This confrontation has come to be called the Creek Civil War, one part of the War of 1812, which was fought between the U.S. and Britain over hegemony in North America and unresolved issues from the American Revolution. And the Creek Civil War first brought fame to General Andrew Jackson.  

Jackson’s victory over the Creeks, cemented by the massacre at Horseshoe Bend, was a boon to professionals. The Treaty of Fort Jackson meant millions of new acres for white settlement in the interior. Soon after the treaty, a land office was set up in Milledgeville, Georgia to sell the new lands that were located in the eastern portion of the Mississippi Territory. Sales were brisk and thousands of settlers migrated into the territory from Georgia and the seaboard. This situation was not unlike the Nashville land sales of 1809, which had created opportunities

“Background and Formative Period in the Great Bend and Madison County” (PhD diss., The University of Alabama, 1956).

for Fearn, Clay, Walker, and other professionals. White settlement of former Creek lands in 1816 brought many important future Alabama professionals to the region, including Benjamin Porter, Henry Hitchcock, and William Wyatt Bibb. Eventually an Enabling Act of 1817 split the Mississippi Territory in two, forming the state of Mississippi and the Alabama Territory. The Alabama territorial legislature carved up the newly acquired Creek lands to create new counties and new county seats. Lawyers and other professional stakeholders built and sustained the institutions that would contain the onslaught of immigration, a process that is sometimes referred to as “Alabama Fever.”

On an evening in January 1818, newly appointed Governor William Wyatt Bibb, a lawyer from Georgia, spoke to the first meeting of the Alabama Territory’s General Assembly. The governor boasted that, “while the habitation of man in many portions of the earth is the residence of poverty, oppression, and wretchedness, the people of our highly favored nation are in tranquil enjoyment of every blessing.” Bibb exulted further: “the high destiny of the Territory for which you are called to legislate, we cannot fail to contemplate with peculiar satisfaction…ample in extent, abounding in navigable waters,” and finally, “at peace.” He envisioned a time when all “the haunts of the Savage will become the dwelling places of civilized men, and the forest of the wilderness be converted into fruitful fields.” He reminded his audience that “the diffusion of knowledge, and correct habits among the people and whole laws impartially and rigidly executed,” were absolutely essential.

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80 William Wyatt Bibb address to the first General Assembly of the Alabama Territory, January 20, 1818 is printed in the *Alabama Republican*, February 10, 1818.
And why not celebrate? Most members gathering that January day in the capital of St. Stephens understood that Alabama’s entry into the union was just a formality now that Mississippi had gained statehood. Savoring his moment, Bibb looked slowly across the room and gazed into the eyes of the lawmakers, upon whose shoulders his fortune rested, with “satisfaction to know, that the Legislative concerns are in the hands of those whose intelligence and patriotism furnish a sure guarantee” for the future.81 Twelve assemblymen listened to the governor that night, including Clement Clay and John Williams Walker. Of the dozen, all but two are known to have received a law license.82 They represented a growing community of educated elites who would become instrumental in determining Alabama’s fortunes. Missing from the group, however, were Harry Toulmin and Thomas Fearn. Toulmin, the leading voice of the Tombigbee region, could not make because he was still in Washington after a failed attempt to lobby policymakers to either admit both Mississippi and Alabama as one state, or to admit two new states divided north and south, not east and west. Fearn was not in attendance because he had left for Europe as part of a two-year tour of medical study.

Eighteen months after the first meeting of the Alabama Territory Assembly, in the summer of 1819, leaders met in Huntsville to write the State of Alabama’s first constitution. This time Toulmin was able to make it. John Williams Walker was named president of the constitutional convention. Clement Clay was its secretary.83 Of the forty-four delegates to the

81 Ibid.

82 Assemblymen were A.S Liscomb and John F. Everitt, Washington County; Gabriel Moore, Hugh McVay, Clement Clay and John Williams Walker, Madison County; John McGrew and Neil Smith, Clarke County; Henry Slade, Baldwin County; Alvan Robishow, Mobile County; Sam Dale, Monroe County; Phillip Fitzpatrick, Montgomery County. William H. Brantley, Jr., Three Capitals: A Book About the First Three Capitals of Alabama—St. Stephens, Huntsville, Cahawba (Tuscaloosa: The University of Alabama Press, 1947), 43-59.
convention, a Committee of Fifteen drafted the Constitution, and “the best brains in the Territory were on this Committee,” according to one scholar. It was a distinguished group whose credentials improved over time. Among the mostly lawyers who comprised the committee were future governors (along with Clay) Israel Pickens and John T. Murphy. Committee member Henry Hitchcock became Alabama’s first secretary of state and played an important role representing the interests of the southern portion of the state at the convention. William Rufus King served in the United States Senate, was an envoy to France, and became the thirteenth Vice-President of the United States in 1853. Henry Chambers was a physician from Madison County.

Once completed, the 1819 Alabama constitution reflected the priorities and values of those professionals who crafted it. The document created an environment that encouraged further migration of ambitious, trained, educated men. Specifically, the constitution addressed many matters that concerned professionals—like commerce, education, religion and slavery—and did so in such a way that appeased both the agricultural and the commercial interests of Alabama’s growing communities. Notably, the constitution closely resembled the free state constitutions of Indiana and Illinois, which had gained statehood in 1816 and 1818 respectively, more so than that of its neighbor Mississippi, which had become a state two years before Alabama. With its

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84 Brantley, Jr., *Three Capitals*, 44 and 45.

85 Members of the Committee of Fifteen John Williams Walker, John M. Taylor, and Henry Chambers of Madison County, Arthur F. Hopkins of Lawrence County, Beverly Hughes of Limestone County, Richard Ellis of Franklin County, Israel Pickens and Henry Hitchcock of Washington County, William R. King of Dallas County, John Murphy and John Watkins of Monroe County, Rueben Saffold of Clarke County, John Dandridge Bibb of Montgomery County, and George Phillips of Shelby County. List is reproduced in Brantley, Jr., 45.
emphasis on internal improvements, Alabama’s document mirrored those northern constitutions and anticipated the whiggish impulses that would become prevalent throughout the nation in the ensuing decades.  

86 The constitution called for a five percent tax on the net proceeds of the lands sold by Congress to “be reserved for making public roads, canals, and improving the navigation of rivers.”  

In addition to the high value placed on improved infrastructure, the framers stressed enhanced educational opportunities: “schools and the means of education shall forever be encouraged in this State.” Also, religious tolerance for all denominations was a point of emphasis. The constitution demanded clear separation of church and state, something that no doubt pleased Harry Toulmin. In the area of religion, in fact, Toulmin’s influence can be fairly assumed since Alabama’s treatment of religion differed so markedly from Mississippi’s. Its 1817 constitution stated “no person who denies the being of God, or of a future state of rewards and punishments, shall hold any office in the civil department of this State.” By contrast, Alabama’s document was more secular. There was no theistic litmus test for Alabama’s political leaders.  

Concerning slavery, the language in Alabama’s original constitution displayed innovation compared to other state constitutions. Slaves, for example, were given the right of trial by a petit jury for heinous or capital crimes except in cases of slave rebellion. Moreover, white men convicted of killing a slave were subject to the same criminal prosecution as they would be if they had killed someone of their own race.  

On its face, the idea of protecting the liberty of


87 Section Six, Enabling Instrument, The Alabama State Constitution of 1819.

88 Mississippi State Constitution (1817), General Provisions, Section 6 and 7.

bondsmen seems like enlightened sentiment, and may have reflected an uneasiness that some first-generation Americans felt about slavery. When Huntsville doctor Thomas Fearn wrote to C.C. Clay in 1818 about the “foulest blot in our national character—SLAVERY!,” he was hardly the first community leader in Alabama to note the inherent contradictions of building a free society on the backs of bound men. “To plead the equal rights of man and at the same time make the Heavenly principles bend and yield to convenience or even necessity is too great an absurdity.” Yet Alabama was a slave society. And although some professionals expressed reservations about the institution, none suggested emancipation.  

In addition to the seismic reordering of the political landscape that took Alabama from territorial status to statehood, broad shifts in society were equally noticeable. The febrile state of Alabama migration after the Creek War demanded rapid community building. The summary manner in which towns were created spawned a community of professionals who discovered completely different opportunities and challenges than ones encountered a decade prior. More likely now than before, professionals could travel to Alabama with their families, confident knowing that institutions and amenities were there to ameliorate the lives of their loved ones. Sons of professionals could now attend any of a number of newly chartered academies. By 1819, daughters had better possibilities for finding suitable mates from among families of other migrating professionals. In places like Florence, Tuscaloosa, or Huntsville, wives were less likely to become lonely or to experience the overwhelming anxieties of trying to carve out family life in the middle of a forest.  

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of that. In addition to other things, the Creek War was a resounding victory for Alabama’s professional families.

For the professional community, statehood elevated their status and authority among its neighbors. As the population increased throughout the antebellum period, many new towns were chartered, especially in the next two decades. Professionals from all over continued to see opportunities in Alabama. By the early 1820s one observer in Huntsville noted breathlessly that the town already had “twenty-one lawyers! And eight practising physicians.” 92 Due to their training, education, and reputation for impartiality, professionals were well positioned to lead the way for improving the public and private institutions. Moreover, with border issues largely resolved, with threats from native populations quieted, licensed and degreed professional men no longer needed to work in concert with federal military appointees. By 1820, professionals turned their attention to improving the institution of education and would use schooling as a means of controlling the social and moral behaviors of the broader community, while at the same time, enhancing the prospects for their own children.

CHAPTER TWO

“A State of Ignorance is the Worst of All States”: Creating a Culture of Education In Antebellum Alabama

At the time other professionals were gathering in Huntsville to write the state’s first constitution, Thomas Fearn was 4,400 miles away in Paris, France. Fearn had left Alabama in 1818 to further his medical education and to improve his surgical skills at Paris’s largest hospital, the Hotel Dieu, but he remained heavily invested in Huntsville’s future. He owned two pieces of town property and had interests in the canal project and the local bank. His brother Robert had already joined him in Alabama and two others, George and Richard, would be there soon. His one older brother—the one who inherited the family farm in Virginia—died when Thomas was sixteen. After his father died, Fearn assumed the role of patriarch. Professional and personal connections were dear to Fearn. It is no surprise that he took time out of his studies abroad to write letters home imploring influential friends to create an environment that would promote education.93

No surprise, that is, because from the beginning, Alabama professionals tried to create a culture of education. Once the concerns over physical safety had abated due to treaties with foreign nations and domestic tribes, education became their number one recruitment tool: having schools, books, and libraries made towns attractive to families. In addition, education strengthened communities by giving young males the basic tools—reading, writing, geography, geography,

93 Elizabeth Lee Fearn Cabell and Elizabeth Lee Lusk, The Fearn’s of Virginia and Some Allied Families (1973); and Fearn Papers, Olin King Private Collection.
and arithmetic—to compete in a market economy. Schools gave females advantages marrying and starting a family. Moreover, having broad access to education helped underwrite the costs of schools for their own children. Professionals understood these benefits, and built the institutions to support education.

Yet, despite trumpeting the benefits of education, professionals in antebellum Alabama experienced mixed results. Talking about building schools, hiring good teachers, and filling classes proved easier than doing so. By the 1850s the state had among the lowest levels of school attendance and overall literacy in the country. On the other hand, professionals never lost faith in the value of education and made sure their children—both sons and daughters—attended schools and academies, colleges and universities. The disparity in educational attainments between children of professionals and planters, on one side, and children of lower income, non-professional whites on the other, encouraged the formation of a society that became more economically hierarchical as the period progressed. These social divisions would have serious repercussions by the time of the Civil War. Therefore, rather than education becoming an equalizing force in the antebellum state, failed efforts tended to have the opposite effect, and the professional community’s failure to create a statewide culture of education does raise questions.

At the time of the first state constitutional convention, however, professionals seemed to coalesce around the idea of educating the masses. In one of Fearn’s letters from Europe, he urged Clement Clay to push through plans for constructing a general use library in town. Fearn believed that “a reading room, to comprehend not only the public papers of the day but also the periodical works of science and Literature & as the funds enable, to extend to the accumulation of a general Library” would be an essential component to the long-term viability of the town. Most important, the library would be open to all. “Do not misunderstand me,” he continued, “I
do not even hope or wish to make them all philosophers, but only to mingle the pursuits of
literature with their ordinary pursuits a little, which I know you agree with me is necessary.” The
library project could be easily funded, Fearn continued, with but “a little exertion” by
encouraging like-minded professionals in Huntsville to invest their cash to get it started. He
closed his letter to Clay with an emotional appeal that gives testimony to the presence of an
educated elite in town: “You and many others who have a small library may not feel the
necessity of such an establishment, but I beg of you to think of the general good.”94 Apparently
benefactors in Huntsville did not require much arm-twisting, and the Huntsville Library
Company was organized later that year.95

When it came to creating a culture of education in antebellum Alabama, most members
of the professional community talked about the importance of the “general good.” Members of
the professional community spoke about the dissemination of knowledge through local and state
schools, public libraries, and private lectures. From 1819 until the early 1840s, professionals
attempted to build educational facilities that would make their towns and cities more attractive to
new settlers.96 As the rush of town building began to wane, professionals entered an extended
period of reassessment that would drive the state’s educational reforms. Professionals and
schools developed a symbiotic relationship. In Alabama towns with robust professional
communities, one was likely to find schooling for all white children. Likewise, in places where
there were ample supplies of schools and teachers, one could more easily find doctors, lawyers,

94 Thomas Fearn to Clement Clay, July 29, 1818, Thomas Fearn Papers, ADAH.

95 Frances C. Roberts, “Background and Formative Period in the Great Bend and Madison
County,” (PhD diss., The University of Alabama, 1956), 467-468.

96 Carl Kaestel, Pillars of the Republic: Common Schools and American Society, 1780—1860
and ministers to attend to their medical, legal, and spiritual needs. In a spirit that reflected the times, Greensboro lawyer Henry Watson proudly proclaimed that the “training and education of our children is the most important duty of our lives.”

Not surprisingly, the professional community did better in terms of creating educational opportunities in towns and cities than in rural areas. Indeed, the correlation between an engaged, local professional community and adequate number of schools is an unavoidable observation. Before the War of 1812, when the professional population was mostly scattered throughout the hinterlands, civic leaders had extremely limited success promoting the idea of common schools, academies, or colleges for men or women. With population sparse and towns few it was difficult to lure teachers—who came primarily from the North throughout the antebellum period—to venture into the territory. According to a report prepared by the Federal Bureau of Education in 1889, formal schooling was nearly non-existent prior to large numbers of professionals arriving around 1810. The earliest recorded attempt to build a school of higher learning occurred in French Mobile in 1742, a request that was denied “on the grounds that the colony was too unimportant for such an establishment.” According to an early Alabama historian, the first American school in the Mississippi Territory “was established at the Boat Yard on the Tensas

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97 This dissertation broadly conceives of education as an institution. A recent sociology paper describes education as an institution whose “structures [and] whose nature and meaning have been institutionalized over many centuries and now apply throughout the world. The meaning of categories such as student, professor, university, or graduate, or of topics such as physics or literature, may be locally shaped in minor ways, but at the same time have very substantial historical and global standing.” John W. Meyer, Francisco O. Ramirez, David John Frank, and Evan Shofer, “Higher Education as an Institution,” paper created at the Center on Democracy, Development and the Rule of Law, which is part of Stanford Institute of International Studies at Stanford University, 2005. See also Meyer, “The Effects of Education as an Institution,” American Journal of Sociology 83 (July 1977), 55-77.

River,” near Mobile, around 1800, with pupils “strangely mixed in blood, and their color was of every hue.” The boat yard school did not last long, yet the description of integrated school classrooms points to the economic challenges these early schools faced: a dearth of tuition paying students meant that white children and children of free blacks often shared the same teachers.\footnote{Clark and Guice, Frontiers in Conflict, 3; Pickens, History of Alabama, 469, 616, 634. In 1818, the Alabama Territorial General Assembly enacted legislation that allowed trustees to raise four thousand dollars for St. Stephens Academy. Lucille Griffith, Alabama: A Documentary History to 1900 (Tuscaloosa: The University of Alabama Press, 1968), 246.} The first academy incorporated by the Mississippi Territory legislature was located at St. Stephens in 1811. Huntsville’s Green Academy opened the next year. Both academies were funded in a way to serve the elites in the community and schools were recruitment tools that helped lure new families.\footnote{Lucille Griffith, Alabama: A Documentary History to 1900 (Tuscaloosa: The University of Alabama Press, 1968), 246, 247-249.}

The Treaty of Fort Jackson in 1814 opened Alabama to new settlement and a period of intense town building.\footnote{Robert Remini, The Life of Andrew Jackson, 84, 85; Remini, Andrew Jackson and His Indian Wars (New York: Penguin Books, 2001), 62-79; Claudio Saunt, A New Order of Things, 271, 272; and McLoughlin, 186-205.} With the rush to Alabama came an increase in the number of new schools. In 1819 Englishman Adam Hodgson, who was traveling the country, witnessed a culture of education that was still in its infancy. One night “in the woods” in the southern part of the state, Hodgson stayed with a family who told him that “Their children were attending gratis (as is customary) the school in the township, which is already established, although the population is as yet very scanty.” Despite the small number of people in the town, which Hodgson did not name, leaders were able to attract a schoolmaster to teach Latin and French for “a salary of $700 per annum.” After passing through the northern section of the state and visiting Huntsville,
Hodgson also expressed surprise that a region so recently developed had a decent number of schools and opportunities for public worship all “within a convenient distance.”

Still, during the formative pre-statehood period it was often difficult to direct a new community’s energies into supporting anything beyond common schools. Timing was everything, as lawyer John Williams Walker explained. In an undated piece written in or shortly before 1819, the first attempt to open Green Academy in Huntsville was “perhaps, unpropitious—the nation being engaged in war with a foreign enemy, and the neighboring savages threatening our very doors.” The school faltered, although it eventually became a fixture in antebellum Huntsville. Besides the threat of foreign hostilities, communities faced the reality that newcomers needed all hands to do the hard work of settling, such as clearing lands, building cabins, digging irrigation ditches and helping with harvests. That left little time for building schools or academies and few scholars to attend them. “Amidst the primary cares of a new settlement,” Walker wrote, “there was neither leisure nor means for fostering literary institutions

102 Hodgson Letters, I X, 44, Birmingham-Jefferson Library; Thomas D. Clarke, ed., Travels in the Old South II (Norman: University of Oklahoma Press, 1956), 286. Hodgson toured for sixteen months, traveled nearly 8000 miles and when he was finished, had visited nineteen of the twenty-two existing states.

of higher character than common schools.” Even the minority of immigrants who were slaveholders could ill afford to part with their teens and pre-teens for much of the day when there was work to be done at the homestead.

On the other hand, there were surely times when the settling process was made easier by delegating the supervision of younger children to a schoolteacher. Having a six or seven year-old out of her hair for a large part of the day would free up a mother to assist in the fields. Still, children in non-industrial societies were always useful around the home, not just during the settlement of a new territory. If the timing was not good in the 1810s to build schools for the young, it is not clear why it would be any better during the remainder of the antebellum period. Although Walker championed the quest for knowledge and good schools in his many letters, it is also clear that broad-based community education was an issue he was comfortable putting off for a later date. Professionals continued to support opening new educational facilities, yet these schools mostly failed. The academy at St. Stephens, for example, did not survive long. Green Academy did but not without several false starts.

Statewide, with Thomas Fearn lobbying from abroad, professionals at the convention enshrined the priority of making education available for free whites into Alabama’s 1819 constitution. Article VI of the General Provisions reads: “Schools, and the means of education, shall forever be encouraged in this state.” The Constitution set aside one sixteenth of each town

104 Undated, John Williams Walker Papers, 1817-1822, ADAH.

105 Carl E. Kaestle, Pillars of the Republic, 15. Kaestle writes, “Parents who sent very young children to school seem to have done so through a desire to have them out from under foot as much as from eagerness to get them started on the 3 Rs early.”

106 A good history of schools in Alabama can be found in Lucille Griffin, Alabama: A Documentary History to 1900, Chapter 8, “Schools in Antebellum Alabama,” 246-287.
to use “and the General Assembly shall take measures to preserve, from unnecessary waste or damage, such lands as are or hereafter may be granted by the United States for the use of schools within each township in this State.” When the General Assembly met in 1819 it set out to do what the constitution provided by instructing each county to elect three agents who would be in charge of developing school lands. The idea of educating the youth of Alabama featured prominently in the assembly’s discussions, but it was just one of many topics. For example, the assembly voted to authorize bounties for killing off the state’s predatory panther and cougar populations, a reminder that Alabama in 1819 was still a largely untapped forest reserve with small pockets of white settlement, and a scattered, diminishing native population.  

Clement Clay, John Williams Walker, Henry Hitchcock and the others who drafted the state’s constitution prioritized education for reasons of self-interest, safety, and professional development. At the forefront, all professionals knew that good local schools benefited their own families. Creating quality local schools gave their sons and daughters advantages in careers and marriages, and allowed them to reap the benefits available to members of the professions. Professionals also pushed for good schools because they understood that schools made towns safer. Immigrants were more likely to settle in a place that provided venues for their children’s learning. Common schools (or elementary schools), academies, and the state university helped increase the number of new white families, which also meant fresh supplies of fathers and brothers to muster in the event hostilities with local Creeks flared again.  

After all, statehood came just five years after the battle of Horseshoe Bend, and it was not until the late 1830s that


\[\text{108 Kaesle, Pillars of the Republic, xi.}\]
much of the disputed eastern border of Alabama was secure. The short history of Alabama had proved that in places where members of a society invested in education, they were more likely to value their professional community and the services it rendered. Therefore the professional community in Alabama always had a stake in advancing a culture that promoted literacy and schooling for all its white citizens.

Bolstering education in Alabama was important for race-sensitive and class-sensitive professionals, too. By creating a culture of education, professionals could, over time, fill towns with educated white neighbors (although the levels of education varied greatly). By schooling white children, professionals could validate their belief in Anglo-Saxon superiority over a slave class that was not permitted to attend these schools, or, for much of the period, learn to read.\(^\text{109}\)

In 1841 a speech given to the Erosophic society at the University of Alabama shows how some in the professional community blended elements of enlightenment with elitism when promoting education. Methodist minister William T. Hamilton said that when knowledge “adorns and invigorates the intellect, it spreads a brightness over the whole man.”

Although there is no list of the students who attended Hamilton’s talk, many scholars at The University of Alabama in 1841 went on to successful professionals careers. John Barr Gorman, who became a lawyer, editor and humorist, graduated that year. Five of his seven others who earned degrees that year went on to become lawyers.\(^\text{110}\) Those attending heard Hamilton

\(^{109}\) In 1832, Alabama enacted legislation that prohibited teaching slaves to read. Fines for ignoring this law ranged from $250 to $500.

challenge them to “contemplate the wandering hordes of western red men—the rude tribes that swarm along the shores of Africa or recline amid the groves of Southern Asia—note well their wretched hovels, their filthy habits, their degraded morals, their fierce passions, and their weak but cruel superstitions.” After, “cast your eye on the well ordered communities peopling the valleys of Switzerland, the fertile islands of Britain, or the vast regions of our own happy States. It is ignorance that degrades and brutalizes the one—it is knowledge that refines and elevates the other.”111 The more refined the educated white community was, the more it could be differentiated from the masses of the unschooled and the non-whites. Hamilton added that, “a cultivated mind will always evince decided superiority over the ignorant and the rude.” As the economic gap between educated and uneducated whites widened in Alabama, distinctions between the two groups became more easily observable.

Beyond racial and class superiority, another tenet that informed the professional community was the perception that a formal education provided moral authority. For leaders of a frontier community, this was vital: the appearance of strong moral, noble, honorable character reinforced the trust that their neighbors placed in them. By promoting a culture of education that extended to their non-professional neighbors, professionals believed they were creating a morally safer environment for their own families. Professionals in the antebellum period were aware of the shared spaces in these new Alabama towns and understood that they were just a part of a broader community. Therefore, as Fearn hinted at in his letter to Clay about the town’s library, most professionals believed that all white children in town should be literate and have at least

111 William T. Hamilton, A.M., “Address on the Importance of Knowledge Delivered before Erosophic Society of the University of Alabama, December 11, 1841,” Hoole Special Collections, The University of Alabama. See also Ruth Miller Elson, “American Schoolbooks and ‘Culture’ in the Nineteenth Century,” Mississippi Valley Historical Review 46 (December 1959), 411-434. Elson discusses “useful” knowledge versus knowledge for knowledge sake on page 413.
minimal formal schooling. Among other things, basic literacy allowed one to read the Bible. Moreover, the time spent studying was time not spent carousing, misbehaving, or in other ways idling away one’s time.

When it came to educating their own, the schooling of young children started at home. Consistent with what others have termed “republican motherhood,” professional mothers usually bore the primary responsibility for teaching the elemental skills of reading and writing sentences.\footnote{See Linda K. Kerber, \textit{Women of the Republic: Intellect and Ideology in Revolutionary America} (Chapel Hill: The University of North Carolina Press, 1980). On page 200, Kerber writes, “within families, the crucial role was thought to be the mother’s: the mother who trained her children, taught them their early lessons, shaped their moral choices.”} While her husband was away in Tuscaloosa, Susanna Clay wrote that young Clement Jr. “appears to take great delight in his books.”\footnote{Susanna Clay to Clement Clay, June 11, 1821, Clement C. Clay Papers, Perkins Library, DUKE.} In addition to the work that mothers performed drilling the remedial skills, the Clays and affluent professional families had the luxury to afford private tutors. When John Walker was away in the nation’s capital serving his first as United States Senator, from 1819 to 1822, he received a letter from brother-in-law Thomas Percy regarding the progress of Walker’s children. Percy reported that the Walker boys were “all jealous and fond of their school teacher who is very amiable and attentive…. And that “Percy [Walker] is improving rapidly… John James, Pope and Walker are of course some distance in the rear but coming up pretty well. John James is spelling handsomely and the two others are in words of one syllable.”\footnote{Thomas Percy to John Williams Walker, December 20, 1821, John William Walker Papers, ADAH.}

Less frequently, the responsibility for primary education fell on professional fathers. This generally happened when a mother had passed away while the children were still young. During
the summer of 1832 James Birney, a widower, felt the heavy burden of educating his children as he was trying to decide whether to accept a position as the Agent for the South Western District of the American Colonization Society. This position would require him to travel frequently, and he agonized over leaving behind his children and possibly neglecting their education. Birney hesitated for weeks before accepting the post, unwilling to “neglect the duty of educating my children, which God has, in a peculiar manner, confided to me.”  

After Thomas Fearn’s wife Sallie died in 1842, he too became more deeply engaged in his daughters’ education. In a letter that is representative of many he wrote, he implored daughter Maria to apply herself “to the improvement of your mind, your morals & your temper upon which your future happiness & usefulness will mainly depend.”

Many non-professionals valued education as well, and those who had the resources often followed the lead of professional families. One example is the family of Clement Clay’s brother-in-law John Bunch, the man Clay had followed to Huntsville in 1810 and in whose home he stayed when he first arrived in Alabama. He was a farmer with little education. But when he married into the Clay family he witnessed first hand that family’s dedication to formal studies. “It always has been my intention,” Bunch stated, “to give my children an education if I gave them nothing else and I still continue in the same notion. For if I do not know the many advantages resulting from an education, I do the want of one.”  

Being able to observe the Clement Clay family up close, Bunch did his best to emulate his learned in-laws when it came to

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116 Fearn to Maria Fearn, January 2, 1851, Olin King Private Papers.
raising his children. Still, the consistent emphasis placed on learning in professional households was ubiquitous in correspondence from the antebellum period, and this fact undoubtedly gave children of professionals a head start in the community.

From the children’s perspective, it is not clear that they were all that appreciative. Despite the glowing reports his father received, John Walker’s son Percy claimed that, “my education was anything but thorough.” He wrote that his schooling in 1820s “was chiefly acquired through private tutors and at the [Green] Academy at Huntsville.” Walker’s early education provided a foundation for a notable professional career. After finishing Green Academy, he graduated from the University of Pennsylvania medical school in 1835 and set up a practice in Mobile. When “the practice of medicine” proved “distasteful,” Walker changed course to study “law under the Hon. John A Campbell.” He was admitted to the bar in 1842. Also, in 1837, 1847, and 1853 Percy Walker represented Mobile County in the General Assembly of the State and from 1855-1857 he served in the United States House of Representatives. A contemporary referred to him as someone with a “penetrating, logical mind,” who “stands high in his profession, especially as an advocate, in which he seems particularly gifted.”

Although Percy Walker viewed his early education as unimpressive, it helped give him enough of a start to launch multiple professional careers as a doctor, a lawyer, and as an elected state and federal lawmaker.

The education of professional sons may have driven the culture of education in antebellum Alabama, but it was the education or the “polish” of the daughters that reflected more

118 Biography found in Charles Lanham Papers, Hoole Special Collections, The University of Alabama.

119 William Garrett, Reminiscences of Public Men fin Alabama for Thirty Years (Atlanta, 1872), 383.

120 Biographical information on leaders in Alabama are found in Charles Lanham Papers, Hoole Special Collections, The University of Alabama.
directly on the character of professional homes. Sons, whose opportunities for advanced education are discussed in the next chapter, had liberties to build their careers and fortunes in the antebellum world. With this freedom came inevitable bad choices by some. But because females were dependent on their fathers or their husbands, the way they presented themselves to their community portrayed for better or worse the manner in which they were raised and cared for.\footnote{121}

Without question, an uneducated daughter was conspicuous in antebellum society. When Anne Newport Royall, a Virginia widow traveling through Alabama, attended a soiree in a northern Alabama home in 1818, she found that the ladies there had a particular “ignorance.” She sniped that their witlessness “effectually screens them from all knowledge of the ridiculous figures they made.”\footnote{122} Royall’s criticism of this group of female partygoers was an indictment on the families who failed to provide the ladies with a proper education. Royall believed that ignorance begat more ignorance: “when parents are ignorant themselves, deplorable indeed must be the state of their offspring.”\footnote{123} Starting at an early age, girls in professional homes learned to read and write, and they followed a course of study similar to their brothers through the common and secondary school years. Clement Clay wrote in 1827 about his young daughter, “I am highly pleased, too, to find that Maria learns very well,” adding that she “could not be my daughter if she fails to learn.”\footnote{124}


\footnote{122 Griffith, \textit{Letters}, 174.}

\footnote{123 Ibid., 178.}

\footnote{124 Clement Clay to Susanna Clay, January 29, 1827, Clement C. Clay Papers, Perkins Library, Duke University.}

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The interest in the education of Maria and other daughters of professional men fit into a pattern that had its roots in the American Revolution. Among the nation’s founders there was widespread agreement about providing a strong educational foundation for the nation’s female members. Female education became a vehicle for raising the status of women in general, and republican mothers in particular. However the manner and content of nineteenth century female schooling changed when industrialization in some parts of the country altered the structure of patriarchal households (taking females off of farms and putting them in factories). As one consequence, by the 1830s female academies and colleges opened and encouraged women to think about careers outside the home, specifically in education. In this era of changing domesticity, an increasing number of northern women also became active in various benevolent associations that tackled thorny social issues like temperance and gambling, vices that threatened to undermine the moral foundation of their society. Later these female associations took up the banner for slave emancipation and women’s rights.125 Women in professional homes in Alabama read with interest about these shifting female roles in widely circulated magazines distributed throughout the South.126 Yet in antebellum Alabama it was never socially acceptable for southern ladies—especially those in the professional community—to accept paid positions outside the home. Such acts drew unwelcomed attention on the family. Generally, only in cases such as a


126 Wells; Mark M. Smith, Mastered by the Clock: Time, Slavery, and Freedom in the American South (Chapel Hill: The University of North Carolina Press, 1997), 61.
sudden widowhood or extreme financial hardship would an Alabama woman in a professional household accept employment outside the home.\textsuperscript{127}

Yet the education of their daughters was vital to professionals even though it did not lead to any career. A mind refined by education, familiarity with foreign language, curiosity about some things (books and literary magazines) but not others (politics) made a woman especially desirable to a professional suitor. Benjamin Porter, a lawyer known for being a reformer, who tried unsuccessfully to change the state’s death penalty law in the late 1830s, may have had this in mind when he wrote, “in looking to a plan of education for her, we would select the most capable of forming her into a WOMAN, in the largest sense of the term. We would look to her destiny as a wife and a mother; as the companion of a man.”\textsuperscript{128} At Huntsville Female Seminary, parents of prospective female students were told that the aim of the school was “to develop all that is good in mind and heart, and to suppress all that is evil; to nurture the moral and physical as well as intellectual powers; to form the true woman as well as the accomplished lady.”\textsuperscript{129} Huntsville Female College, meanwhile, promoted “neatness, order, economy, punctuality, cheerfulness, and a kindly regard for wellfare of others.”\textsuperscript{130}

As girls toiled to become women “in the largest sense of the term,” eligible bachelors among Alabama professionals took note. Septimus Cabinisss, a besotted law student in Huntsville, emphasized that the “beautiful, the sweet, the angelick Miss Catherine Erskine (the

\textsuperscript{128} Ibid.
\textsuperscript{129} \textit{Huntsville City Guide}, 1859-1860, 33.
\textsuperscript{130} Ibid. 42.
niece of Doctor Erskine)…was intelligent, studious, and…was fair to look upon.” Shortly after Dr. Charles Hentz’s graduation from Transylvania Medical College, he took Elizabeth Page on a chaperoned date (their first) to a lecture on animal magnetizing given at Transylvania University. The date went well: Hentz felt he had found a perfectly suitable partner with “a fine mind, [who] is fully sensible of her deficiencies and is determined to make herself worthy of his love.” Indeed the two went on to marry. One of Clement Clay’s sons, Withers, wrote of his new love interest Mary Lewis, that “her manners are gentle, winning and graceful—combining the artless simplicity of transparent purity of a sinless child with the elevated, dignified demeanor of the chaste, cultivated Christian woman.” Withers and Mary also wed. More poignantly, after Dr. Samuel Brown lost his much younger wife Catherine Percy, he mourned the loss in revealing words: “I found her mind so stored with useful ideas & so capable of forming sound original judgments on every novel occurrence [that] during the happy period of our union, I never once blushed for what she said or for what she did, on the contrary I felt superior to other men when I recollected that I was the object of the affections of a woman so virtuous & so discerning.”

Besides being intellectually curious, female members of the professional community were

131 A letter to Septimus Cabaniss, October 27, 1832, The S.D. Cabaniss Papers, Hoole Special Collections, The University of Alabama.


133 Ibid., 620.

134 Withers Clay to Henry Lay, June 19, 1846, The Clay Collection, HMCPL.

expected to become beacons for morality and righteousness. Families instilled these virtues at early ages and refined them throughout the formative years at female schools and academies. Porter suggested that women “should have cheerfulness, without frivolity, for moments of pleasure; firmness and resignation for those of misery. She should be instructed in self-denial in times of prosperity—in self-reliance in periods of distress. In order, therefore, to accustom her to these varieties of life, we would begin by placing the foundation of her education, in RELIGIOUS PRINCIPLE.”

In order to find teachers to ensure their daughters’ usefulness, professionals like Thomas Fearn and James Birney became actively involved in the process of recruiting educated women from out-of-state, and especially from northern states. In the 1830s, despite growing sectional tension, many members of Alabama’s professional community were unafraid of promoting intimate intellectual relationships between their daughters and female instructors from the North. Birney, once a mayor in Huntsville and later a presidential candidate for the Liberty Party, enticed several ladies from the North to come teach at the Huntsville Female Academy. The first one arrived in 1831: Miss Brown of Portland, Maine was a student of Catherine Beecher who was one of the leading advocates of female education in the nineteenth century. The other ladies were Miss Emmons of Hartford, Connecticut, Miss Southmayd of Middletown, Connecticut, and Miss Baldwin of Guilford, Connecticut. Upon meeting the teachers Fearn, who was one of Huntsville Female Academy’s trustees, wrote to Birney that his “arrangements relating to teachers give satisfaction; but many express a regret that some one of the Ladies had not more age and experience in the separate management of an institution; but being from ‘the land of steady habits,’ they may have acquired settled habits and dignity of manners at an earlier age

than might be expected amongst Southern Ladies.”

In the final analysis, daughters of professionals held few advantages over their brothers when it came to their own education. But one was clear: the recruitment of teachers from other regions of the country prevented the parochialism that might have developed under different circumstances. It opened the minds of daughters of professionals to new worlds and new ways of thinking.

Some northern educated women embraced the idea of coming to Alabama to pursue careers, perhaps finding the pace of the rural South more agreeable than finding a position in more urban and industrialized northern towns. Correspondence between two Massachusetts female educators, one of whom had decided to take a teaching assignment in Tuscaloos, suggests that there was a healthy supply of teachers in the North ready to meet the educational demands in Alabama. In 1835, Joanne Smith wrote to Susan Farley: “I am delighted to hear of your intention to become a teacher in the Alabama Female Institute. Since its commencement, it has sustained a high reputation and is deservedly ranked among the first schools of that class in the state.” Significantly, Smith was also interested to know if the school needed any other teachers because, if so, she was willing to recommend a few candidates.

The emphasis on educating their own daughters forced professionals to expand education for all white females in order to distribute the costs of female education among the entire community. The construction of girls’ schools and academies slightly outpaced those being built in


139 Joanne H. Smith to Susan C. Farley, October 11, 1835, letter, Hoole Special Collections, The University of Alabama.
for the boys. By 1850 nearly half (46%) of the 62,778 students attending schools and academies in Alabama were female. (The total number of students attending school represented 41.3 percent of school age children in the state).\textsuperscript{140} It is important to note that even though schools were available to all white Alabama females, state laws did not mandate attendance until 1854. The cost of tuition and fees, the distances required to travel to the school and back, along with the basic need to keep the girls home to work on the homestead meant that the opportunity for formal schooling skewed both toward town and city populations and to the economically better placed homes within those urban settings. Therefore the daughters, as well as the sons, of professionals (because they were found in greater percentages in urban areas) were always disproportionately represented in Alabama schools, academies and colleges.\textsuperscript{141}

Communities, meanwhile, responded to the demand for female education by supporting multiple schools for young girls. These schools competed with each other for students. In one issue of the \textit{Mobile Register and Journal} in November 1843, three different schools for ladies advertised for new pupils. A “Female School” run by Mrs. R.B Witter opened “for the instruction of young Ladies, in the branches usually taught in Academies and High Schools.” Another “School for Young Ladies” sought students between ages nine and fifteen. “Their instruction will be faithfully attended to, as well in relation to the various departments of the English language, as to a successful study of Latin and French.” Mr. Wright used his advertising

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\textsuperscript{140} US Census 1850.
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space to “respectfully announce to the citizens of Mobile and its vicinity that his Select School for Young Ladies will be opened at his residence No. 60 St. Louis street as early as October.”

The instruction for Alabama females in some ways mirrored the practical lessons taught to young men, but more often preserved the romantic notion of a feminine ideal through ornamental studies. At a popular school for girls in Wetumpka a young lady could attend school “under the auspices and special direction of the Masonic Fraternity.” Here the “corps of instruction stand pledged to...teach the mind to think, the heart to feel, and the body to conform to the laws of health and beauty.” At Hamner Hall in Montgomery, “A Boarding and Day School for Young Ladies” highlighted the fact that it had secured the “celebrated Pianist,” Victor Kneringer. Besides “Music, with Use of Piano,” the other subjects taught were English and French. Meanwhile, the Montgomery Female Institute promised that because “the patrons of the Institute have aimed to secure the highest order of ability in the several Departments” then “parents may therefore confidently expect that their daughters will be thoroughly instructed in all the branches of a useful and ornamental education.” Often, local newspapers from the antebellum period published the curriculum for schools for girls and young ladies. In Greensboro, Miss Barnum opened a “School for the instruction of females” in her home. There she taught “all the English branches which are usually taught in similar Schools, and also, the

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142 Mobile Register and Journal, November 5, 1843.

143 The Southern Times (Montgomery), December 15, 1855.

144 Montgomery Advertiser, April 4, 1861.

145 The Southern Times (Montgomery), December 25, 1855.
French language and Music.”¹⁴⁶ In Tuscaloosa, the Alabama Female Institute taught Latin alongside ornament subjects like Needlework.”¹⁴⁷

The curriculum at female schools fell broadly within two areas: subjects that imparted the practical wisdom needed to be a good mother, and subjects that were more ornamental to help attract a suitable mate. These two areas reflected the status of gender relationships during the antebellum period. On the practical side, girls and young ladies learned command of the English language, as well as a basic understanding of arithmetic and the sciences. Educated child rearing wives of professionals were the linchpins to a secure and prosperous professional community. Ornamental knowledge, on the other hand, was more for attraction: knowledge in French, Latin, Music, and Literature (or Belle Lettres) made daughters of professionals more desirable to potential suitors who needed their partners to perform well in parlor or dinner conversations. When Fearn suggested that his daughter Maria bone up on a variety of poetry by reading “portions,” everyone from Chaucer and Spencer down to present day poets, he was giving her a useful tip.¹⁴⁸ Certainly, the ability to drop a few lines from “Canterbury Tales” or “Faerie Queen” at a dinner party was a highly prized asset for a wife of a doctor or lawyer who needed enhance their career and social standing. The popularity of ornamental style education specific to women in Alabama was consistent with the values of the new American republic.

Of the ornamental subjects taught in antebellum Alabama schools for girls and young ladies, by far the one most advertised was French. Having competency in the Gallic tongue was essential for daughters of a professional man. In Fearn’s two years abroad, he became fluent in

¹⁴⁶ Green County Sentinel, August 9, 1835.
¹⁴⁷ Farnham, The Education of the Southern Belle, 40.
¹⁴⁸ Thomas Fearn to Maria Fearn, January 2, 1851, Olin King Private Papers.
French and clearly believed that mastery of the language would be an important asset for his daughters. In many letters to Maria, he continually prodded her to improve her French language skills. He demanded not only that she write him in the language but that “the next French letter you write I wish to be sent without the correction or assistance of anyone. I shall then be able to judge of your progress.”⁴⁹ When Maria proved to be uninterested or unable to master the language, Doctor Fearn took the news hard: “I very much regret that you will not be able to learn French so as to speak it. I hope at least that you will be able to read it as easily as English and write it also.” He then added that that he was still looking for “a sample” of her writing.⁵⁰ Mary Jane Walker, daughter of John Williams Walker, was just ten years old and studying at Madame Sigoine’s school for girls in Philadelphia. She enjoyed practicing French so much that she offered to teach it to her brothers “who I am sure would very much like it.”⁵¹

While learning French was a good idea for the daughter of a doctor, lawyer, or clergyman, other ornamental subjects, like music and theatrical arts, were considered less valuable. Porter’s editorial said that Alabama men must be “sternly and inflexibly opposed to making it the business of a woman’s life to thump on a piano, draw pictures, or stick woolen threads on perforated paper. These things are properly learned and practiced, as adjuncts to education; but they may not be education itself.”⁵² Doctor Fearn agreed heartily with this sentiment and carried on a running debate with his daughter Maria over the supposed value of

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⁴⁹ Thomas Fearn to Maria Fearn, January 18, 1848, Olin King Private Papers.

⁵⁰ Thomas Fearn to Maria Fearn, December 25, 1849, Olin King Private Papers.


⁵² *Charleston News*, November 2, 1850.
her learning to play the piano. “I expressed an objection to lessons being taken,” Fearn wrote in 1850, “unless you would practice and become fond of music, so as to render it an accomplishment & a pleasure to you. For if you did not become a fine player, you would as all other girls do, soon abandon it.”

A year later he commented on her report card. He told Maria that she had done “creditably in everything that depends upon your own will,” yet, he added, “you seem to occupy the lowest position in music, at which I am not surprised.”

In his other writings, Fearn showed disdain for the theatrical arts, stating that acting was a craft for people of a lesser station. His journal described one lady friend as a talented impersonator and added that she “has a decided fondness for the theatre and would I think like to become an actress, if with us the calling were more honorable.”

In addition to supporting various types of practical and ornamental subjects for their daughters, professionals debated styles of instruction for all white children. Alabama developed school systems in the 1820s and 1830s that were deeply flawed and highly political. A legislative act in 1823 established two administrative school units, the township and the district. The state required three commissioners in each county to “establish schools and disperse moneys to them in proportion to the number of students enrolled, and to examine and certify teachers.” The commissioners then selected three trustees for each school. The public voted for none of these positions.


154 Thomas Fearn to Maria Fearn, June 18, 1850, Olin King Private Papers.

155 Fearn diary January 2, 1835, Thomas Fearn Collection, ADAH.

156 Griffith, Alabama: A Documentary History, 260.
Not surprisingly, professionals and other civic leaders frequently disagreed on the future of Alabama schools. One debate in the late 1820s and early 1830s proved particularly divisive. Some favored keeping the status quo. On other side of the dispute were professionals who favored adopting a more cost effective Lancastrian system of schooling, whereby older students who had successfully completed a subject served as monitors to younger ones. Under this system a single paid teacher could theoretically take responsibility for training hundreds of children. Lancastrian education was in popular in the United States around 1830, so Alabama was very much in step with the rest of the nation at looking at this pedagogical model. In 1827 attorney James Birney joined a group of other professionals in Madison County in an attempt “to establish in Huntsville a free school under the Lancastrian plan, then in great vogue.” Fearn, who had returned from Europe in 1820, also hinted at such a course of action back when he wrote about being impressed at “seeing at a Lancastrian School in this place a boy (a negro by the by for here no distinction of colour is made) who had in twelve months been taught to read & write perfectly well & also understood vulgar & decimal fractions.” An editorial printed in the *Huntsville Democrat* on February 9, 1827 points to rifts among professional men who labored to find a solution to the growing educational needs of their community. The Democrat article favored adopting a two- pronged strategy to correct a school system it saw as fundamentally flawed. The first involved using funds from a recent federal grant (from the sale of Indian lands in eastern Alabama) to build schools that specifically trained teachers for primary school.


159 Thomas Fearn to Clement Clay, July 29, 1818, The Clay Collection, HMCPL.
“Teaching is as much an art, as brick-laying or carpentry,” the article argues, “Would we employ men to build a house who had never laid a brick or sawed a plank? Certainly not. Is the architecture of the mind less complicated than that of a house?” Creating an institution specifically charged with training educators, the piece insisted, would bring a “vast addition of moral and intellectual force” in the community.\textsuperscript{160} This process of building a corps of teachers would be supplemented in the short term by a Lancastrian system in order to make education immediately available to most white children.

As leaders in towns struggled over pedagogy, male teachers joined the growing number of females moving into the state. Many specialized in foreign language instruction. In fact, since French and German were the two most widely studied foreign languages outside the classics, foreign-born males from France and Bavaria found employment in various Alabama towns. A look at the ten largest cities and towns in the state reveals that teaching careers were not encouraged for Alabama males, except for a brief time when young professionals were just starting their professional careers and need extra cash to pay the bills. By 1860 only five of thirty-seven male heads of household who declared teaching their prime occupation were from Alabama. In contrast the same number, five, were born in France and four were from Ireland.\textsuperscript{161} Englishman Philip Henry Gosse passed through Alabama in 1838 and taught in Dallas County. He claimed that he found “no difficulty in obtaining an engagement,” instructing about twelve children. He described his schoolhouse as “a funny little place, built wholly of round, unhewn logs...there is not a window, but as the clay has become dry, it has dropped or been punched” out

\textsuperscript{160} \textit{Huntsville Democrat}, February 9, 1827.

\textsuperscript{161} 1860 U.S. Census.
of the many crevices between the logs.\textsuperscript{162} Throughout the period, trustees on boards across the state welcomed applicants who had a degree from a known institution and were of sound moral character. “I would say, your diploma from the University of Va.,” responded Fearn to D.J. Boatwright, who was applying for the position of school president at Huntsville Female Seminary in 1859, “would be deemed sufficient; in other respects such as tact in teaching, moral character, you must be fully aware of what would be desirable.” \textsuperscript{163}

While the recruitment of credentialed educators was always a concern, the growing numbers of apprentices who needed to moonlight at tutors, at times, actually created a surplus of available male teachers. In January 1831, for example, Henry Watson of Connecticut found the competition among tutors in Greensboro intense. Watson was a recent Harvard graduate who moved to Alabama in the early 1830s. He sought to supplement the pittance he received while developing a law business, but discovered it was difficult to find a teaching job. Watson noted that the local community expressed little interest employing him as a private tutor. He also found the compensation extremely low, schools “never give more than 250 or 300 [per annum], and rarely that,” he complained. Apparently his luck changed. In March, he accepted a teaching position, and reported to his brother that, “he had a school with about 25 scholars…. I do not much like the business but it is less irksome than I had expected.”\textsuperscript{164} Less irksome maybe, but still not very profitable. Watson’s presumably minuscule remuneration shows the low demand for teachers in this antebellum Alabama town.

\textsuperscript{162} Lucille Griffith, \textit{Alabama: A Documentary History}, 253.
\textsuperscript{163} Fearn to D.J. Boatwright, April 5, 1859, Olin King Private Papers.
\textsuperscript{164} Henry Watson to Theodore Watson, March 11, 1831, Henry Watson Papers, Perkins Library, Duke University.
Greensboro may have had more teachers than it needed, but, in general, Alabama fell behind when it came to providing educational opportunities for the broader population. It was not until the state legislature passed the Educational Reform Act on February 17, 1854 that there would again be a concerted effort to advance the cause of universal white education. This fact suggests that either the priorities of the professional community shifted between the creation of the state constitution and the Educational Reform Act, or that educated elites somehow lost influence in Alabama’s general assemblies. Before the 1854 reform act, all the major developments in state education were the result of federal initiatives. On March 27, 1827, Congress passed a bill that authorized Alabama to sell lands and invest proceeds “in some productive fund, the revenue from which was to be forever applied to the use of schools.”\(^{165}\) In 1836, Congress disposed of some of the lands ceded in the recent Creek War to the state to use for the purpose of raising school funds. In the 1840s, the federal government twice enacted legislation that promoted educating Alabama youth by donating a total of 500,000 acres to the state that could be used to raise revenue for schools. Additionally, in 1836 the United States treasury reimbursed the states over $5,000,000 from its annual surplus. Alabama’s portion was $669,086.80 and the state legislature applied this to the general school fund.\(^{166}\) The infusion of capital, though substantial, did not make a great difference to many students in rural Alabama. Private tutoring or systems heavy with student monitoring remained more prevalent in smaller towns that lacked the resources to build and sustain finer schools and academies.


\(^{166}\) Safford Berney, *Hand-Book of Alabama: A Complete Index to the State, with Map* (Birmingham, Roberts & Sons Printers, 1892), 170-172.
Professionals in larger towns and cities, on the other hand, did have resources to enhance the educational opportunities for the broader community. In 1826 in Mobile, steps taken by its relatively small professional community led to the implementation of the state’s first municipal school system. Perhaps that much was fitting: Mobile was the first Alabama town to reach urban status—meaning that its resident population reached 25,000 people (including both free whites and slaves). Each year more and more cotton reached its docks to be loaded onto ships headed to Europe or New England, and the city’s population expanded. But until 1826, students could either learn at home or pay tuition to a private school. At least one professional, doctor Solomon Mordecai, who had graduated from the Old Medical School in Philadelphia and moved to Mobile in the 1820s, found these private schools lacking in most ways and his children consequently “backward.”\footnote{167}

Mordecai and other professionals helped establish public schooling in Mobile but progress was slow. In 1826, Mobile’s city council enacted legislation that set aside public funds in order to create better and more widely accessible schools that would serve the needs of all white residents. Rather than relying on sales from the sixteenth section of the original town, as provided for in the state charter, and as other towns in the state had tried, the city diverted revenues from fines, penalties, and forfeitures into a school fund. In addition to these sources, the council imposed a two percent tax on the proceeds from slave auctions. More revenue was raised by court filing fees, and from city licenses for theaters and other entertainment. Lastly, the council granted the school board power to raise $50,000 for the schools by lottery. The plan was sensible, widely supported, and should have provided the local school board with sufficient

revenues to construct good schools for the port city. But it never happened: according to one of the city’s historians, the board simply distributed all the funds it raised to a handful of existing private schools rather than open larger public schools. This may have improved the quality of education for the children of professionals, who were already supporting these schools, but the uneven distribution of money did nothing for the general good.

Not until ten years later, in 1836, did Mobile get its first broadly accessible public school, Barton Academy. The city accomplished this with the help of two leading professional men. Henry Hitchcock, a member of the constitutional convention in Huntsville as well as Alabama’s first Secretary of State, and District Attorney for South Alabama, was the driving force behind Barton Academy. Along with fellow lawyer Silas Dinsmore, Hitchcock built an institution that was sufficiently funded and staffed to serve the educational needs for all of the city’s white youth. Barton Academy was organized as a school that offered free tuition for Mobile’s middle and lower class boys. When the academy was completed the construction costs alone amounted to nearly $100,000. Hitchcock and Dinsmore raised most of the money by soliciting donations from prominent Mobile elites.

Overall, the professional community’s desire to elevate white society by promoting literacy and by making schools available to all free people produced mixed results. Literacy rates for Alabama whites remained low relative to other parts of the United States during the antebellum period, and the state ranked in the lower half of all slave states. According to the 1850 Census, there were 33,757 self-reported adult illiterates or about eight percent of the total

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169 Ibid. Biographical material appears in Henry Hitchcock Papers, ADAH.
white population.\textsuperscript{170} This placed Alabama ahead of slave states Virginia (8.6\%) and Kentucky (8.7\%), but far behind free states like New York, Connecticut and Massachusetts even though those states counted the literacy of their working class and Alabama was not asked to count the literacy of its slaves.

\textbf{TABLE 1}

<table>
<thead>
<tr>
<th>Relative literacy Rates</th>
<th>Illiterates</th>
<th>Percent of total population\textsuperscript{171}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>33,755</td>
<td>7.9</td>
</tr>
<tr>
<td>Georgia</td>
<td>41,200</td>
<td>7.8</td>
</tr>
<tr>
<td>Mississippi</td>
<td>13,405</td>
<td>4.5</td>
</tr>
<tr>
<td>Virginia</td>
<td>77,005</td>
<td>8.6</td>
</tr>
<tr>
<td>Kentucky</td>
<td>66,687</td>
<td>8.7</td>
</tr>
<tr>
<td>New York</td>
<td>91,293</td>
<td>2.9</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>22,539</td>
<td>2.2</td>
</tr>
<tr>
<td>Connecticut</td>
<td>4,739</td>
<td>1.3</td>
</tr>
</tbody>
</table>

Low literacy rates contributed to Alabama’s reputation for hostility to education. In some quarters of the nation, the state became known as a place where citizens were more interested in

\textsuperscript{170} 1850 US Census. When comparing literacy rates to other states, the actual percentages are only important in relative terms. For one, there were questions of bias in the reporting: 1850 Census put the literacy question in a sequence of queries that considered other “disabilities” like “idiot,” “dumb,” and “blind.” Also, there was no test to check literacy, so it is easy to imagine a person being reticent to admit he or she could not read. There was also a range of literacy, from those who could simply sign their name to people who were truly erudite. Still these issues prevailed in census gathering in all the states.

\textsuperscript{171} Numbers were culled from http://mapserver.lib.virginia.edu/php/state.php.
growing cotton and making fortunes than reading literature and studying science. In 1849, the
North American and United States Gazette in Philadelphia printed a scathing report on
“Common Schools in Alabama.” The opinion piece argued that “want of money” on the part of
the state was not a good enough reason to stop building new schools. “It should never be known
that money was considered more valuable than the intelligence of their children.”\footnote{North American and United States Gazette (Philadelphia), November 10, 1849.}
When Henry Watson moved to Alabama in 1831, friends and family pushed back against the idea. “I am not
pleased with your idea of going to Alabama,” wrote a friend, “I do not like the people. They live
entirely for this world and money is their God.”\footnote{Julius Reed to Henry Watson, August 10, 1833, Henry Watson Papers, Perkins Library, Duke University.}

In fairness, the lack of will to spend public monies on education was only one of several factors that contributed to Alabama’s record and reputation for schooling its youth. Alabama was largely an agricultural state dotted mainly with small towns and villages. Only Mobile and Montgomery had urban populations above 5,000 at the time of the Civil War. Lower densities meant fewer students and smaller and less efficient public school houses.

The inability to maintain a sufficient number of schools to serve the needs of a steadily increasing white population represents a failure on the part of leading professionals when compared to their intentions in 1819. Their failure fit a particular pattern that was repeated throughout the southern states. Based on an analysis of school attendance in 1850, of the twenty-three states established by 1820 (eliminating states created after the Missouri Compromise that were still in transitional stages), the twelve slave states had the lowest reported attendance percentages. Of the twelve slave states, there was an inverse relationship between the percentage
of slaves in the overall population and the percentage of children attending schools. In general, in each state the higher the percentage of overall population that was enslaved, the lower the percentage of literates and school attendees. Alabama placed ahead of only Virginia and Maryland (which is the outlier in this analysis) in school attendance. Just over sixty-two thousand Alabamians reported being in school in 1850. This figure represented 35.6 percent of the 173,817 males and females between the ages of five and twenty. The number pales in comparison to the national average which was slightly over half (53.8 percent) of the school age children who actually attended school. Low literacy and a paucity of good schools for their children was not what professionals had in mind when they called for education to be forever encouraged in the state.\footnote{1850 U.S. Census.}

Yet in other ways, low literacy rates helped make members of the literate professional community more distinct among their neighbors. Children of professionals were literate and did go to school. The failure to create a broader culture of learning that was widely participatory helped create communities of educated elites that naturally had advantages over many of their neighbors. This was especially true in towns and cities. Over time, the economic chasm that existed between educated and non-educated whites grew due to the education gap. As the gap widened, the state’s limited resources began to flow disproportionately toward the advancements of the professional, educated elites. Far removed from the time when Thomas Fearn talked about the “general good,” by the end of the antebellum period many southern leaders seemed much more interested in protecting their own interests, which were usually centered around cotton and slavery. In the mid 1850s an article appeared in DeBow’s Review arguing the necessity for communities in the South to “educate the wealthy in order to maintain their position as members
of the white, privileged class of our society.”\textsuperscript{175} This aristocratic sentiment, undoubtedly, was shared by most of the journal’s subscribers.

In the end, despite improving the culture of education for their own sons and daughters, professionals failed when it came to expanding opportunities for what Fearn called the general good. Judge Porter wrote that “the foundation of our government is virtue, that virtue springs from education, and that a state of ignorance is the worst of all states.” Alabama in 1860 was still a state in relative ignorance. “You cannot stand still. You must either advance or recede, grow wiser and better, or more ignorant and vicious.”\textsuperscript{176} Most in the state had simply stood still when it came to educating Alabama’s youth. While the gulf between professionals and non-professionals widened considerably, the more fortunate Alabama sons explored new routes to higher education, and earned professional degrees and licenses in unprecedented numbers.

\textsuperscript{175} Kaestle, Pillars of the Republic, 207, from De Bow’s Review, 20 (February 1856), 149. Professionals like Thomas Fearn, Noah Cloud, Benjamin Porter were avid De Bows subscribers. See John Kvach, “The First New South: J.D.B. De Bow’s Promotion of a Modern Economy in the Old South” (PhD diss., University of Tennessee, 2008).

\textsuperscript{176} Paul M. Pruitt, Jr., Taming Alabama, 14-31.
CHAPTER THREE

“An Aristocracy of the Mind”: The Continuing Education of the Professional Man

Thomas Fearn kept busy in the 1820s and 1830s. After returning from his medical tour of Europe, in 1820, he married Sallie Bledsoe. The pair would have eleven children, of which seven girls survived childhood. The partnership was productive in other ways, too, because Sallie was the daughter of a Tennessee planter, and she brought into the marriage a dowry that included several slaves. Shortly after the marriage, Fearn expanded the slave quarters at his home on Franklin Street to accommodate ten slaves now living with his growing family. He also added a wing on the north side of his home in order to care for his patients. As Fearn enlarged the physical dimensions of his house, he also increased the number of volumes in an already impressive library. A lifelong learner, Fearn bought hundreds of books for his library, many of which he had shipped from Paris. Some of these books dealt with medicine but the majority centered on other topics including nature, history, poetry, geography, government, literature, and philosophy.177

As the antebellum period progressed, the identity of the professional man became increasingly tied to his advanced schooling. When describing antebellum Alabama professionals, physician J. Marion Sims may have summed it up best: “We are what we are by education.”178

177 In the summer of 2011, the Olin King estate acquired dozens of Fearn’s books that had been passed down through generations.

Fearn’s private life and public career certainly owed a great debt to his medical education at the Old Medical College in Philadelphia, and to his two-year tour of hospitals in Europe. Sims, Fearn, and their colleagues understood that no single characteristic marked an antebellum professional man more than his schooling. Not his wealth. Not his place of residence. Not even his good family name or personal reputation. A doctor’s or a lawyer’s diploma and his license to practice were credentials that were recognized at home and wherever he traveled. Likewise, a minister’s degree from divinity school certainly set him apart from the many itinerant circuit riding preachers who scoured rural antebellum Alabama looking to bring Christian truths to the growing masses.\textsuperscript{179} As the professional community became less committed to the “general good,” to making schooling available to all whites, men with licenses to practice intensified efforts to advance the professional careers of their sons by supporting schools of higher learning and the various institutions of professional education.

References to one’s education were ubiquitous. Contemporaries described professionals by using words like learned, studious, intelligent, or accomplished, or with descriptors that often mentioned which college or university the professional had attended. William Garrett, who was Secretary of State for Alabama from 1840 to 1852 and a learned man himself, wrote short biographies of men who had served in public office during the antebellum period. Many of his profiles were of professional men. For instance, Dr. Moren from Bibb County was pronounced

“a highly educated gentleman and an accomplished physician.” Garrett called Baptist preacher Daniel Bestor “a gentleman of high culture [and] extensive reading.” About Mobile lawyer Daniel Chandler, the author noted, “His language was that of a finished scholar, and his elocution very pleasant to the ear.” Joseph Lessne, a lawyer from Mobile and graduate of the College of South Carolina in Columbia, was “a gentleman of literary taste and cultivation.” Like others, Garrett reserved the word “talented” to indicate a useful skill acquired while matriculating at a university or professional school. “Talent seems to be inherent in the family,” he wrote about John Williams Walker’s sons, “as the four brothers, Percy, Richard W., Leroy Pope, and John J. are conclusive testimony.” All Walker boys received university educations and sat for the bar exam. On the other hand, Garrett’s non-professional subjects without advanced education were often tabbed shrewd, wily or ambitious. Williamson R.W. Cobb, from Jackson County who was elected to the State legislature in 1844, was a clock peddler: he “was a tall, long-armed man, of some intelligence and more shrewdness.”

As Cobb’s career suggests, if academic credentials facilitated political careers, craftiness, cleverness and dogged determination were useful assets as well. Men who possessed ambition but lacked advanced formal education could still rise far in government in Alabama and elsewhere. Look no further than Andrew Jackson and Abraham Lincoln, both of whom were lawyers with little formal education. Alabama Governor Benjamin Fitzpatrick (1841 to 1845) had no formal education whatsoever. He was born in Georgia in 1802 and lost both parents before moving to Alabama with his older brother in 1816. Soon after Fitzpatrick arrived in his new home he began clerking for Judge Nimrod Benson in Montgomery. Under Benson’s tutelage, Fitzpatrick obtained a license to practice law in 1821. He was eighteen years of age.

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180 William Garrett, *Reminiscences*, (1872), (Moren) 733, (Bestor) 43, (Chandler) 393 and 395, (Walker boys) 383, and (Cobb) 396.
Even though his legal career was relatively short—he gave up the law several years later to devote more time to planting—he became a devout Jacksonian Democrat and ended up serving two terms as governor. Contemporary accounts of Fitzpatrick mention but do not emphasize the governor’s lack of formal schooling, and cast his stellar rise in politics as no more remarkable than had he obtained a university education and a law degree.\textsuperscript{181}

Despite the example of Fitzpatrick, it became increasingly common for the sons of professional men to attend a university or college before entering their own professional careers. After 1831 these sons could chose to continue their education at the University of Alabama. The creation of the state’s university was the brainchild of the professionals who drafted the constitution. Under the constitution the General Assembly was to “take like measures for the improvement of such lands as have been or may be hereafter granted by the United States to this State, for the support of a Seminary of learning”; and income from the sale of these improved lands were to remain in “a fund for the exclusive support of a State University, for the promotion of the arts, literature, and the sciences.”\textsuperscript{182} Enshrining a seminary of higher learning in the state’s constitution was a great innovation and marked a departure from the constitutions of the five states that preceded Alabama into the Union in the nineteenth century. For example, neighboring Mississippi’s constitution in 1817 “forever encouraged” education but made no provision for a seminary of higher learning that would hold real and symbolic value to a culture of education. Likewise, Indiana’s 1816 constitution offered eight provisions for funding and supervising common schools, but nothing for academic levels beyond the most basic. The state constitutions for Louisiana (1812) and Illinois (1818) were silent on the subject of education altogether. Going


\textsuperscript{182} Alabama State Constitution, 1819.
back further to Ohio in 1803, its constitution in respect to education reads much like Mississippi’s: it encourages schools and learning but emphasizes the moral necessities of education and does not provide for upper levels of schools.\textsuperscript{183}

Yet declaring an intention to build a state university in a legal document proved easier than constructing buildings, opening classrooms, hiring teachers, and finding tuition-paying students. In fact it took twelve years to open the University of Alabama. During its gestation period some of the state’s most prominent professional men guided the university’s board of trustees. Doctors Fearn and David Moore, and state attorney general Henry Hitchcock were among the first set of trustees to serve in two-year terms on the board that was established in 1821. The trustees likely were chosen to sit on the board because they were already nearby, in Cahaba, serving in the state legislature. Fearn was elected to represent Madison County in the state legislature that same year, and he became one on the most enthusiastic members of board through multiple terms that lasted until January 1830. During his years of service Fearn

\textsuperscript{183} Copies of early state constitutions are available at various places online. I used these sites: ohiohistorycentral.org; en.wikisource.org/Louisana_State_constitution_of_1812; indianahistory.org/out...guides/indiana-constituion-1816.pdf; felonvoting.procon.org/sourcefiles/1817_MS_Constitution.pdf;tippecanoe.tripod.com/c1818.html. Alabama’s preference for a seminary of higher learning was an innovation for the nineteenth century but it was not without precedence in the South. Both North Carolina and Georgia enshrined similar language in their state constitutions twenty years earlier, which resulted in the founding of the University of North Carolina in 1795, and the University of Georgia in 1801. See Fletcher M. Green, \textit{The Role of the Yankee in the Old South} (Athens: The University of Georgia Press, 1972), 39-43.

It is difficult to explain with certainly how Alabama’s constitutional innovations with respect to language on education came into being. The fact that the document was written in the summer of 1819 during an economic panic probably has something to do with it. In Alabama as elsewhere, land values crashed, cotton prices dropped, and easy credit arrangements all but evaporated. Framers of the constitution who tended to favor a more well-rounded citizenry, and a more diverse economy may well have had the upper hand in debates against planters who prioritized building a more traditional agriculture economy. In contrast, Mississippi drafted their constitution during the high water mark for immigration and land sales.
introduced twenty separate resolutions that ranged from determining the exact site upon which to build a state university, to constructing the academic and administrative buildings on the grounds, and to selecting chairs for the various departments.\textsuperscript{184}

One of the last tasks that Fearn worked on as a member of the board was to hire a university president. The board selected Alva Woods, a religiously trained, strict disciplinarian who brought to the University of Alabama impressive academic credentials. Woods graduated from Harvard in 1817, after which he took theology classes in Andover and was ordained a minister on October 28, 1821. After two years of study in Europe (he traveled to Paris, Lyons, Genoa, Leghorn, Florence, Rome, Naples, Milan and Geneva) where he attended lectures on a variety of subjects, Woods returned to the United States and was offered a professorship at Brown University. He accepted this position and taught there between 1824 and 1828 before he was recruited to become president of Transylvania University in Lexington, Kentucky. While in Lexington, Woods befriended Huntsville native James Birney at an American Colonization Society meeting. In Woods the trustees had found someone who was worldly, seasoned in academia, and morally rigid.\textsuperscript{185}

The fact that the first two university presidents—Woods and then Baptist minister Basil Manly—were both theologians speaks to the value that university trustees placed on having religiously trained men in charge. On the other hand, hiring a divinity school graduate to run a university was standard fare. At the time the University of Alabama opened its doors, the most prominent type of professional school in the United States served the ministry. Full-time Divinity schools outpaced medical schools by fifty percent, eighteen schools to twelve. Divinity schools

\textsuperscript{184} The minutes for the meetings of the board of trustee of the University of Alabama are found in Olin King Private Collection.

\textsuperscript{185} Garrett, \textit{Reminiscences}, Griffith, \textit{Alabama: A Documentary History}, 204.
also far outnumbered the three law schools operating in the country. A survey taken in 1835 showed a similar distribution among professional schools. That year there were thirty-one divinity schools that ranged in size from one student to 152. There were twenty-three medical schools holding eighteen to 392 students. And there were nine law schools, which tended to be smaller with enrollments of six to thirty-six.\textsuperscript{186} If a board of trustees was committed to hiring a learned professional to run its university, odds were greatly in favor of hiring a divinity grad.

After 1835, the year of the survey, options for Alabama men hoping to further their professional training through advanced formal education improved slightly. According to the United States Census in 1850, the number of professional schools was fifty-six. Medical schools were closing in on divinity schools with a total of twenty-two in session by 1850 versus twenty-five divinity schools. Law schools were a distant third with only seven in operation. Even though there were fewer professional schools, there was an overall increase in matriculation at colleges and universities and some of that enrollment spilled into newly created law and medical departments, so sons of Alabama professionals had more options.\textsuperscript{187}

\textbf{TABLE 2}

<table>
<thead>
<tr>
<th>Number of Professional Schools In United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of schools</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td>Divinity</td>
</tr>
<tr>
<td>Medical</td>
</tr>
<tr>
<td>Law</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

\textsuperscript{186} Harriett Martineau, \textit{Society in America VII} (Saunders and Oatley, London, 1837), 401.

One of the consequences of such distribution is that for much of the antebellum period over half of the degreed professionals were religiously trained. One sample of 100 town southern ministers found that seventy-three had received some college education and that thirty-two had gone to some form of divinity school.\textsuperscript{188} Divinity school graduates from colleges such as Yale and Harvard valued careers in academia. They saw employment at institutions of higher learning as one route to promulgate their faith to the masses. This is in contrast to medical and law school graduates who often entered practice shortly after completion of their formal schooling.

Despite hiring Woods and Manly, the university developed a reputation for the spirited carousing by its young male students. This is a reminder that even though the antebellum Alabama professional community was a disciplined, patriarchal society, its younger male members were not unlike young male members in all societies, and could at times become rebellious. At the University of Alabama, Woods’s attempt to impose order and discipline set off open rebellion. On February 28, 1834, Clement Clay, Jr. wrote a letter from the university to his parents describing what sounds like a student riot. According to Clay, who was in his final year at the university, a group of “eight to ten” students dressed in white went on a campus wide rampage. He wrote that they “came in pursuit of Dr. Woods, met him coming to his dormitory and began to throw brick bars at him. He ran and as he turned the corner of the house a pistol was fired in the direction towards him. He availed himself of an open window and jumped in it…” thus saving his skin. Young Clay sympathized, “I would not risk my life in Dr. Woods

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situation for his salary… for I believe there are students who would shoot him if they did not fear the laws of the land.”

Stories of unruly students did not seem to deter younger professionals from trying to find work at the university. One of the most outstanding teachers to come to Tuscaloosa in these early days was Henry Washington Hilliard from South Carolina. By the time Hilliard was offered the chair in English Literature in 1831, the twenty-three year old had already developed a reputation as a scholar, a lawyer, a minister, an editor of the Columbus Enquirer, and as an extraordinary public speaker. Hilliard read law under future United States Senator William Campbell Preston, and passed the bar in 1829. Showing versatility, the young lawyer felt a strong passion for the Methodist Church and began serving as an itinerant preacher in Georgia. Somehow during this period, he added the responsibilities of editing the Columbus Enquirer. The university board’s decision to hire minister/lawyer/editor Hilliard also shows that the trustees were open to more secular approaches to education. Hilliard after all was a disciple of freethinking Thomas Cooper. That the same board of trustees that handpicked a Baptist disciplinarian for its president also hired a twenty-three year old protégé of Thomas Cooper shows that the university was anything but ideological. Cooper’s protégé was well liked by students at the university. Hilliard founded the Erosophic Society, modeled after popular debate.

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189 Clement Clay, Jr. to Susanna Clay, February 28, 1834, Clement C. Clay Collection, Perkins Library, Duke University; Clement Clay to Susanna Clay December 1, 1834, Clement C. Clay Papers, Perkins Library, Duke University; Fletcher M. Green, The Role of the Yankee in the Old South, 43-44.


191 Durham, A Southern Moderate, 16-21.
clubs at the college of South Carolina which he had found enjoyable as a student there. He stayed in Tuscaloosa from 1831 to 1834 before re-launching his legal career, this time in Alabama.¹⁹²

Hilliard was exceptional, but for the most part, faculty appointments were difficult to come by. There were too few positions open at the university compared to the number of candidates relocating to the state. Connecticut native and aspiring lawyer Henry Watson tried and failed to find employment at the new state university when he arrived in 1831. Watson brought a strong resume: a graduate of Washington College in Hartford, he had spent one year at Harvard as a “resident graduate” before leaving the northeast for Alabama.¹⁹³ After arriving by ship in Mobile and then making his way upstream to Tuscaloosa, Watson found the town to his liking. “Society is good at Tuscaloosa and rapidly improving,” he wrote to one of his friends. The university town had a surprising bustle to it, something that pleased the sociable Watson. Not yet married or betrothed, Watson was also impressed by the “great number of ladies” who graced the area around the new campus. When the board decided to pass on Watson’s application to teach there it came as a great blow. Dejected, he returned to Hartford on horseback in the summer of 1831 where he was able to complete his law degree. Watson came back to Greensboro in 1833 and built a successful legal practice before becoming wealthy as a planter and a banker.¹⁹⁴

¹⁹² Durham, A Southern Moderate.


On one hand, Watson’s inability to secure a faculty position suggests that the university trustees had set a high bar for its faculty. More likely, however, the university was unable to hire additional teachers, like Watson, due to a paltry-sized student population. Only a small percentage of sons of professionals went to any college in the late 1820s and 1830s, as a college degree was not required for licensing, medical or legal, within the state. When the University of Alabama opened its doors in 1831, it welcomed just ninety-five male students, and after seven years, there were only 101 full-time students.\textsuperscript{195} Compared to other campuses in the South, like the University of Virginia, which had enrollments of over 600 students, the level of response in Alabama was not encouraging. Yet for institution-building professionals, the university was an important achievement in their mission to build a society of educated whites. Even though the capstone university benefitted few families and students directly, nonetheless it held important symbolic value to the broader community and marked one other milestone in Alabama’s transition from hinterlands to a state.

The professional community and those interested in higher education benefitted from the opening other institutes of higher learning within the state. In Mobile, Spring Hill College was founded in 1830 and chartered by the general assembly in 1836. The Catholic college was “empowered to grant degrees in philosophy and theology by Pope Gregory XVI on August 20, 1840.” In Marion, classes began at Howard College on January 3, 1842. Howard was a Baptist college and it attempted to compete with the University of Alabama by offering degrees in chemistry and biology. The school reached a peak student population of approximately 150 students in the mid 1850s. Finally, Southern University in Greensboro opened in 1856 as a

\textsuperscript{195} Griffith, \textit{Alabama: A Documentary History}, 272. By 1838, however, there were thirty-seven part-time students in addition to the 101 full-time students.
Methodist College. Despite their sectarian differences, all of the Alabama colleges along with the university advanced a culture of morality while offering a mostly secular curriculum.

The University of Alabama and the other Alabama colleges were certainly draws for sons of antebellum professionals who wished to continue their formal education, but an even greater number of young men from the professional community opted to go to college out of state. In the first half of the antebellum period, two popular out of state options were the University of Virginia and the College of South Carolina. An advertisement for Greene Academy in Huntsville stated that the school was committed to preparing “boys and young men to enter, advantageously, the University of Virginia, or any college, “which would prepare them for a career in the professions or in business.”

Attending college out-of-state points to the bonds of kinship and friendship that existed between Alabama’s white population, most of whom were first generation Alabamians, and the older, more established states in the country. Sons could go to Charlottesville or Columbia and often board with relatives or good friends of the family. Culturally, these two colleges were distinctly southern schools and attracted students mostly from slave states.

In addition to southern schools, Alabama collegians dotted the map from Maine, to Vermont, Massachusetts, Connecticut, New York, New Jersey, and Pennsylvania as they endeavored to obtain a degree from an institute of higher learning. Two young men from Huntsville attended Georgetown College in Washington in the 1840s, for example. One, James Donegan, dutifully wrote to his father that the school was very difficult and that “my attention


197 August 1857. S. D. Cabaniss Papers, Hoole Special Collections, The University of Alabama.
has been wholly occupied by the annual examination which commenced on Tuesday” He then urged his father to dissuade Doctor Alexander Erskine’s son Albert from attending because, in Donegan’s opinion, young Albert would not be able to successfully complete the difficult courses. Albert did attend Georgetown, briefly, and soon transferred to West Point, only to discover that he did not like the military life. He finished his schooling at the University of Virginia and then graduated from medical school at the University of Pennsylvania in 1851.

Erskine’s experience suggests that young Alabamians were beginning to take advantage of increasing options for advanced education. In fact, according to a survey in 1835, there were seventy-nine colleges scattered across the country, with the number of students attending each ranging from between fifteen and 323. Yet compared to the numbers of colleges and universities just fifteen years later—232 according to the 1850 United States Census—the choices were still somewhat limited. In fact, during the mid 1830s Frenchman Alexis de Tocqueville visited the country and commented, “every profession requires an apprenticeship, which limits the time of instruction to the early years of life. At fifteen they enter upon their calling, and thus their education ends at the age when ours begins.” This generalization had a ring of truth to it for the general public but for sons of Alabama professionals, higher education was very much part of their culture.

198 James Donegan, Jr. to James Donegan, Sr. July 18, 1846, The Cabaniss Papers, UAH.

199 Erskine’s life is discussed in Jewell Shelton Goldsmith and Helen Davis Fulton, Medicine Bags and Bumpy Roads (Huntsville, Alabama: Valley Publishing Company, 1985).

200 Martineau, Society in America, 401. Martineau cites the “Reports of the Sunday School Union,” for her appraisal, but her calculations fall in line with most contemporary assessments regarding the number of professional schools.
Even though the range of subjects taught at the growing numbers of colleges or universities helped prepare students for the professions, it is important to point out that these institutions were not designed to prepare them for professional schools. First, many college students had no interest in professional careers. Some simply went back to their plantations. Others went on to become merchants or pursue another non-agricultural vocation. Second, even those intent on pursuing the professions were exposed to a mostly liberal arts education with a heavy emphasis on the humanities such as Greek and Latin, philosophy, literature, and history. There were few truly preparatory classes comparable to modern pre-med or pre-law programs. Later, in 1852, University of Alabama President Basil Manly outlined the mission of the university this way: “The proper object of collegiate education,” he wrote, “is the knowledge of principles and causes, rather than of facts, which belong to a specific or professional education.”202

Increasingly throughout the antebellum period, more doctors and lawyers chose to attend a professional school to increase their skills and expand their knowledge. As the number of colleges increased, so too did the availability of medical and law schools for young Alabama men wishing to obtain a professional degree. Lumping medical and legal education together is somewhat misleading, however. The education of antebellum Alabama doctors was more complex and layered than the schooling of the state’s lawyers. One reason is that local communities insisted their doctors be trained in both theoretical and practical medicine. Communities made no such demands of their lawyers in their field. And after the state passed the

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Licensure Act of 1823, expectations for the requirement to practice medicine in Alabama heightened; it would not be until 1852 that the state upped its requirements for admission to legal practice.203 The process was driven by public demand: settlers in Alabama towns and cities understood that having a proficiency in disease diagnosis, in surgery, and in prescriptive services were frequently life and death propositions.204

By the same token, for a town, the acumen of the town’s medical men was of greater consequence than the level of training of its ministers. Even though separate congregations revered their preachers, saving lives was fundamentally different from saving souls, and therefore Alabama communities clung to good doctors in ways they never did with prominent clergymen. After Matt Gayle’s mother overcame a grave illness with the assistance of her son-in-law Dr. William Crawford, she was “unbounded in her praise of the skill,” he had shown. “I think that her life was solely preserved by your unremitting attentions during her illness,” wrote Gayle, who was at the time attending medical school in Philadelphia.205 Men with advanced medical schooling occupied an elevated status among other local professionals. That Dr. Thomas Fearn was still referred to in Huntsville as “Doctor” for two decades after he stopped practicing was simply measure of the esteem given to him by the community he once served. Conversely,

203 Howard L. Holley, M.D., The History of Medicine in Alabama (Birmingham: The University of Alabama School of Medicine, 1982), 75.


205 Matthew Gayle to Sarah Ann Gayle, February 19, 1843, Sara Ann Gayle and William Crawford Papers, Hoole Special Collections, The University of Alabama.
most ministers in the antebellum period were still itinerant and even those who stayed put for a period of time in a town or city, were expected at some point to move on.\textsuperscript{206}

Further, town and city dwellers exalted their doctors because they knew that a town could not survive without a medical community. A good doctor was an asset to his neighbors in existential ways: he served the health care needs of his community, and his medical degree was an attraction that helped recruit new families. Doctor Marion Sims discovered firsthand the powerful bond local communities had with their medical professionals when he tried to move his practice from Cubahatche Creek, Alabama, to Montgomery. His relocation plans prompted at least one awkward exchange with a local planter. “I advise you to stay where you are, among us,” said Sims’s neighbor, “where you will be well taken care of and live like a lord, honored, and respected, and beloved, with plenty to do and everything flourishing around you.” The planter neighbor was incredulous that Sims would even consider abandoning his growing practice to gamble his future in a place like Montgomery. “Look here old fellow, you are a fool. You have friends here that love you and who do not want to give you up.”\textsuperscript{207} Sims relocated in spite of his neighbors’ protests (his decision ultimately was based on a belief that his own health was suffering in Cubahatchee Creek) but the doctor was clearly conflicted and, decades later, he spent considerable space in his memoirs describing the move.

From the communities’ perspective, it is worth remembering that during the early decades of statehood, the long-term viability of any given village or town was hardly a certainty.


\textsuperscript{207} Sims, \textit{The Story of My Life}, 205.
St. Stephens, for example, went from being the capital of the Alabama Territory in 1817 to being nearly abandoned by 1830. When Mobile lawyer and Alabama’s first attorney general Henry Hitchcock pleaded with his mother in 1831 to sell her property in St. Stephens, he cited absence of a medical community for his clinching argument: “I know you cannot prefer St. Stephens, or any other place, without society, and in case of sickness, there is not a Physician within any reasonable distance.” He asked her to sell her home immediately. “The house…will be of no value to you…and should you wish to leave will be a total loss.” These words were more than just a scare tactic meant to motivate a stubborn elderly woman. The fact that there were no doctors in the area meant that the St. Stephens was essentially no longer safe or thriving. Doctors needed a population to serve, populations needed doctors, and the absence of either meant the absence of both.  

Travelers who passed through Alabama noticed the physicians. They made a point of commenting on the number of doctors in any particular emerging village or town, sometimes along with the numbers of lawyers, churches, and schools, but often not. On several occasions Anne Newport Royall, the Virginia widow whose published letters highlighted her acerbic wit, discussed doctors. “It is unaccountable why such a number of physicians should flock to this country,” she wrote in 1821. “Every town is flooded with them. They are strung along the roads like so many blacksmiths’ shops. You can neither walk nor ride, but you have a physician on each side, one in front and one in back.”  

Back in Huntsville, Royall was impressed by the 

208 Henry Hitchcock to his mother, September 9, 1831, Henry Hitchcock Papers, ADAH.  

209 ANR to Matt, July 15, 1821, Griffith, ed. Letters, 231. There have been several biographies of Anne Newport Royall that illustrate her diverse and productive career. Besides being an inveterate traveler, she edited two successive newspapers in Washington, and wrote several novels. According to the editor of her letters, Lucille Griffith, Royall holds the distinction of
nascent professional culture in that budding town. She noted that Huntsville was already home to "eight practising physicians!"). Unlike St. Stephens where it might be difficult to find a good doctor, the conditions in the northern Alabama towns were ripe for professional growth.

With so much at stake for a community it is unsurprising that medical education was highly valued and encouraged by the broader community. The process for becoming a physician in antebellum Alabama involved several stages and changed over time. Generally, one first had to complete some secondary education and preferably some advanced studies at a university or college. Later, in order to obtain a license, the doctor had to complete two years of clinical training and some months of medical school training. But throughout the period, specific medical training began with an apprenticeship with a local doctor. If the student happened to be studying out-of-state, he could work between terms there and count that toward his clinical training.

Medical schools generally required two four-month terms in order to obtain a M.D. degree. By the 1840s, in an effort to attract more working doctors, most medical schools began to offer one-year of school credit for every four years of clinical work, so it was possible to earn an M.D. with just four months of formal study. The state of Alabama would also waive one year of clinical training for doctors who had completed two years of medical school.

In addition to professional training at universities in the United States, some of the more affluent doctors in Alabama decided to further their education at universities or hospitals in Europe. Fearn, Josiah Nott, and other physicians took time out of their practice to study advanced medicine abroad with apparently little complaint from their neighbors. A nineteenth being the only person in US history to be convicted of being a common scold. See Griffith, ed., Letters, 38, 39.


\(^{211}\) Stowe, Doctoring, 24, 25; Haber, Authority and Honor, 40.
century Alabama historian wrote matter-of-factly about Fearn’s trip abroad that “he finished his course of study in the medical schools and hospitals of London and Paris in the years 1818 and 1819.”

Likewise neither physician mentioned experiencing any reservations about abandoning their practice for a lengthy period of time in order to advance their knowledge elsewhere. There were some exceptions to this rule, however. Leaving one’s home and community for a lengthy overseas stay regardless of one’s sense of duty and higher calling was always a major decision even if fundamentally well supported by patients and loved ones. A more naturally thin-skinned John Young Bassett reported that his friends openly questioned his decision to abandon his practice and his family. His wife also objected, and the strain of separation between the two is one of the most striking features in his letters home. “I have left you, it is true,” he wrote Isaphoena, “for apparently a long time, but it is as much for your benefit as for mine. I must sustain you and to do this I must sustain myself.”

For Bassett, the surgical techniques he acquired in Europe gave him a competitive edge among the growing medical community in northern Alabama, and a practice that was somewhat stagnant before he left for his European training blossomed after he returned.

State requirements changed often but always with the goal of producing morally fit, competent doctors. This is again in contrast to the law licensing process in which changes were guided by the desire to make the legal profession accessible to more men, not necessarily to men

212 Thomas Jones Taylor, The History of Madison County, Alabama with an autobiographical sketch (Written in Huntsville, Alabama, 1880 to 1886), 87.

of higher talent.\textsuperscript{214} Yet like law, in order to obtain a medical license or medical degree one had to offer proof of sound moral character. The University of Transylvania medical college gave Doctor James Frances a voucher to use on his Alabama medical license that was fairly standard: “It is with pleasure I here express my confidence in the justice of his claims to the character of a gentleman and physician qualified to fulfill the just expectations of those who may entrust themselves to his care.”\textsuperscript{215}

Licensing in Alabama required hopeful M.D.s like James Frances to first train under the watchful eye of a doctor in an apprenticeship position. The preceptors were often family friends. Charles Hentz’s experience demonstrates the power of the relationship between an apprentice and his preceptor and how it often formed the cornerstone of a professional career. In 1843, after the Hentz family closed the Locus Dell school in Florence to move to Tuscaloosa, sixteen year-old son Charles was introduced to Dr. Rueben Searcy. The doctor belonged to the same Presbyterian Church as Charles’ parents and the adults came to an agreement that the boy would work in Searcy’s office. A typical day for the young apprentice included laboriously “pulverizing Gum opium” and making hundreds of Cook’s pills, “the fearful old-fashioned, drastic compound of Calomel, Aloes, and rhubarb.” In addition, Hentz prepared the doctors’ saddlebags making sure they “were well filled” for the long trips throughout the county. While the doctor was away, Hentz took care of tasks in the office. If the doctor had an overnight visit, Charles stayed at the doctor’s home and got caught up on some of his reading assignments that Searcy assigned. One night Charles was “put to the study of Eberle’s Therapeutics—a dismal, dry introduction to the study of my life.” On another occasion he noted that “I finished Dewees’ Midwifery today and


\textsuperscript{215} LW Barker to James Martin, July 14, 1834, Francis-Martin Papers, ADAH.
commenced reading several interesting articles in the Medical Journals, according to the Dr.’s advice.”

Hentz’s apprenticeship shows the dual character of the nineteenth century medical profession. It was both a craft that involved skilled compounding or “pill making,” and it was also a learned profession where one read books like Dewee’s *Midwifery* or Eberle’s *Therapeutics*. The central tension between the two—craft and profession—helped shape antebellum Alabama’s medical community. If one were simply a pill maker or a dispenser of various palliatives, he might be labeled a quack. On the other hand, a medical man whose expertise rested on theories learned only in published books was equally problematic.

Hentz and his preceptor formed a strong bond and became close friends despite the difference in their ages. One day, Hentz wrote, after he “took several lessons in pill making” Searcy presented him with “a beautiful Bible and little book, which I will prize very much.” Later that day, “after tea,” Hentz “attended the singing meeting, which was held at Dr. Searcy’s and played two games of chess” with the doctor. In 1846 Searcy sent a glowing letter of recommendation to Medical College at Transylvania University on Hentz’s behalf and helped the young man earn admittance there. Months after leaving Searcy’s care to pursue his education at the Medical College, Hentz noted that he “wrote a letter to Dr. R. Searcy, at whose office I spent the summer, studying Physic, and rolling pills—I never expect to meet any man, whom I can remember with more respect, and gratitude than I do Dr. Searcy.”


217 Stowe, *Doctoring*. The idea of craft versus learned profession is a central argument in Stowe’s work and this dynamic can be found when examining Alabama antebellum communities.
Even though Hentz credited his successful career to the support of his family, not every parent was thrilled with their son’s decision to pursue a medical degree. Marion Sims’s father was deeply disappointed in his son’s career choice. The father considered medicine a profession “for which I have the most contempt. There is no science in it...there is no honor to be achieved...no reputation to be made...And to think that my son should be going around from house to house...with a box of pills in one hand and a squirt in the other, to ameliorate human suffering, is a thought I never supposed I should have to contemplate.”\footnote{Sims, \textit{The Story of My Life}, 116.} To be fair, medicine was a default career selection for Sims. He had no passion for it early in life and announced his decision to study at Charleston Medical School by glumly telling his father, “I am sure you are no more unhappy about it than I am now. But if I must study a profession, there is nothing left for me to do but to study medicine.” Despite parental objection and personal ambivalence, Sims found the strength to push through with his plans and began attending medical lectures at Charleston Medical School on November 12, 1833.\footnote{Ibid.}

By the 1830s aspiring doctors in Alabama had several choices of medical schools, although none yet within the state. Of twenty-three medical schools nationally, seven were in slave states. The medical college at Transylvania University, which Hentz and Frances attended, was the first of the southern medical schools when it opened in 1799. Two other schools were in Maryland—the College of Medicine of Maryland, founded 1807, and Washington Medical College of Baltimore, founded in 1826. Further south, three places to study medicine had opened their doors in 1824: the Medical College of South Carolina, the Medical Department of the

\footnote{Charles Hentz Diary, December 7, 1845. Hentz Family Papers, Southern Historical Collections, UNC.}

\footnote{Ibid.}
University of Virginia, and Sim’s school in Charleston. Finally, the Medical Academy of
Georgia began classes in 1828.\footnote{List is from \url{http://upstate.edu/library/history/research/medschoolgoundingdates.php}; also Holley, 75.} By the 1850s, Alabama students were found in medical
schools at Georgia Medical College, Charleston Medical College, Tulane University, Medical
College of Nashville, Memphis Medical College, and many others. In 1851, fourteen of thirty-
seven graduates from Tulane Medical School were from Alabama.\footnote{Griffith, \textit{Alabama: A Documentary History}, 323.}

Although studying medicine in a slave state with other sons of slaveholders might have
provided comfort to Alabama medical students, there were other compelling reasons to stay in
the South.\footnote{Kilbride, \textit{An American Aristocracy}, 79-90.} Students decided to matriculate at certain medical colleges based on a combination
of factors such as the family’s ability to meet the costs of medical school, along with particular
ties to friends and family nearby the college. When Hentz chose to study at Transylvania
University, the cost of matriculation was an immediate concern. As he was about to leave for
Lexington, he wrote in his journal that, “Pa’s money matters have been so arranged that he will
have no trouble sending me to the Lectures.”\footnote{Stowe, \textit{Hentz}, 135} Students typically paid for their medical
education by purchasing tickets to lectures. When Hentz attended medical school in the 1840s,
these costs varied. Tickets to the lectures were ten to fifteen dollars per term (students generally
took five or six courses so the costs added up to $50 to $100 per school term) plus the costs for
room and board. Hentz’s father gave him two hundred dollars for his first year in Lexington,
which was a sizable amount but much less than would be needed to study in Philadelphia where lectures could cost twenty-five dollars and the charges for room and board were much higher. 225

As was the case with undergraduate studies, having connections to friends and families near the medical college helped to defray the cost of room and board, and provided parents a welcomed degree of supervision over young men who in many cases were venturing from home for the first time. In many instances, families who clearly had resources to send their sons off anywhere to study medicine chose medical schools where they had a close connection with a faculty member or even the college president. To students from northern Alabama, one of the appeals of Transylvania University was the popularity of its president, widowed former Huntsville native, Dr. Samuel Brown. Having someone in a position of power looking after the interests of their sons’ progress was undoubtedly a blessing to many Alabama parents. 226 In 1821, Brown wrote a reassuring letter to John and Matilda Walker about Matilda’s brother LeRoy Pope, Jr., who was a medical student at Transylvania University. LeRoy, Jr. and his close friend Alexander Erskine were involved in a dispute with a local blacksmith that escalated into violence. At one point during the altercation, LeRoy pulled out a pistol and shot the worker in the hand, although, according to Brown, no bones were shattered and the blacksmith likely would be able to return to his craft. Brown wrote to reassure John and Matilda that the other

225 Stowe, Hentz 27; and Daniel Kilbride, *An American Aristocracy: Southern Planters in Antebellum Philadelphia* (Columbia: The University of South Carolina Press, 2006), 86. Kilbride quotes a contemporary observation in 1842 that 600 students at the Medical College in Philadelphia spent a total of $350,000 going to school there. This unverifiable figure, which includes tuition and living expenses, would put the average cost per student in Philadelphia at $583, significantly more than Hentz’s $200 per term budget, and a sum that would be out of range for most young men.

students thought that the two boys had acted courageously even though they were asked not to leave the building for safety reasons. Brown added that, “LeRoy and Alex are two of the most studious and orderly young men in the University... are noticed by the Inhabitants for the correctness of their deportment.”

As sectional tensions escalated in the 1850s, finding ideological sympathy among fellow students and professors played a role in how students chose their professional school. Many journals now openly questioned the practice of sending southern sons off to northern medical colleges. An article in the New Orleans Medical News and Hospital Gazette accused southern students who abandoned the South for Northern medical schools of engaging in a practice that was “unnatural and humiliating.” Medical instruction tended to be provincial in both the North and the South. Instructors emphasized regional peculiarities in both disease and the types of care that best remedied the sickness caused by disease, an idea that is not without merit. One New Orleans doctor insisted that there was a distinction between northern and southern medicine “as surely as there was a distinction between foreign and American medicine.”

Still, regardless of politics or disease environments, wealthier Alabamians continued to travel north for medical school. Up until the Civil War they were found in great numbers in the city of Philadelphia, where they attended either the Old Medical College, founded in 1765 and the oldest medical school in the country, or Jefferson Medical College. Fearn and Josiah Nott along with Mobile physician Solomon Mordecai were graduates from the Old Medical College.

227 Samuel Brown to John Williams Walker, January 15, 1821, John Williams Walker Papers, ADAH.

228 “The New Orleans School of Medicine,” New Orleans Medical News and Hospital Gazette 3 (1856-1857); Kilbride, An American Aristocracy, 86.

229 Kilbride, An American Aristocracy, 86.
Matthew Gayle, the son of Alabama Governor John Gayle, also attended medical school there. In 1843 Matt Gayle wrote from his dormitory room in Philadelphia, “I send along with this a list of the medical students for the present year—in which you will find that Alabama is well represented as regards to numbers.” On another occasion, Gayle reported that “Dr. Smith of Tuskaloosa has been in attendance on the lectures during the whole winter; he is residing in the same house with myself and & is quite a student.”

Many Alabama students in Philadelphia medical colleges came from planter families who could afford the costs of travel, tuition, room and board, and the higher cost of living in larger cities. In Philadelphia these students generally found increased opportunities in developing clinical skills owing to the larger numbers of hospital beds found in larger cities than in more rural areas.

At northern medical schools, like the ones in Philadelphia or at Harvard or Yale, wealthier medical students would mingle with well-to-do sons of northern professionals, merchants, and industrialists. One historian argues that elite Philadelphia medical students were not there strictly to pursue their professional calling, but rather to cultivate important connections and hone social skills. Alabama students in higher socio-economic classes formed bonds that at times superseded sectional loyalties. In Philadelphia, for example, shortly after John Brown’s

\[\text{\textsuperscript{230} Matthew Gayle to Doctor William Crawford, February 19, 1843, Sara Ann Gaye and William Crawford Papers, Hoole Special Collections, The University of Alabama.}\]

\[\text{\textsuperscript{231} Kilbride, } An American Aristocracy. \text{ Kilbride saw the Philadelphia Medical Schools as a point of access to a circle of aristocratic elites composed of conservative and refined young men. He posits that southern planters sent their sons to Philadelphia to become part of national brotherhood of aristocrats that was not tied to sectional loyalties. Hence the move back to Philadelphia to resume classes supports Kilbride’s notion that, for this socio-economic group, loyalty to class was at least on par with loyalty to the South. The weakness of the argument is that the Alabama students were not all sons of planters and that they had different levels of wealth; although in general students studying at either of the Philadelphia schools tended to have more resources than students who studied at Lexington or any of the other southern schools.}\]
1859 attempt to incite a slave insurrection at Harper’s Ferry, all 244 southern students at the Medical College and at Jefferson Medical College left the state in protest. Of these students, seventeen were from Alabama, and each one of these students transferred to the University of Virginia to continue their studies. Yet when tempers cooled, most of the seventeen students re-enrolled in Philadelphia and were attending classes during the election of Abraham Lincoln and South Carolina’s secession from the Union.232

Realizing there was a market for medical students in Alabama, savvy medical school trustees advertised frequently in newspapers around the state. Programs bought advertising at the beginning and at the end of their winter terms offering details like faculty names, rates for courses, lists of recent graduates, and the cost for room, board, and other incidentals. Hentz’s medical college at Transylvania University advertised aggressively in the 1830s and 1840s in papers from the top to the bottom of the state. On October 13, 1835, Transylvania placed an advertisement that announced the new school term beginning the first Monday in November and ending the first Saturday in March. The length of the term advertised was typical of southern medical schools in the antebellum period, and school terms were designed to work in coordination with planting and harvesting cycles. The ad listed six courses: Anatomy and Surgery, Institutes of Medicine and Clinical Practice, Theory and Practice of Physic, Obstetrics and Diseases of Women and Children, Materia Medica and Medical Botany, and Chemistry and Pharmacy, along with the professor who was scheduled to instruct each course. The fee for the entire term including the use of the library was $110. The graduation fee was twenty dollars.233

The rates at Transylvania were on par with other southern schools and remained steady

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233 *Southern Advocate*, October 13, 1835.
throughout the antebellum period. The Atlanta Medical College posted similar tuition and fees in their ads in 1855: fees for entire course were $105 and the graduation fee was twenty-five dollars.\textsuperscript{234}

In April 1834, Transylvania University ran a lengthy notice in Huntsville that listed its recent graduates along with their home states. The list included a total of sixty-four graduates of which seven were from Alabama. Of the total all but three came from southern slave states, and two of the remaining three lived in nearby Cincinnati. Students came from all corners of the South to hone their professional skills in Lexington.\textsuperscript{235} Smaller medical colleges and medical departments in state universities also tried to lure young men from Alabama in the antebellum period with advertising. By the 1850s schools like the University of Nashville and the University of Atlanta medical departments made frequent advertising buys in Alabama newspapers and no doubt continued to do this because the ads had some success.

Once at medical school, some aspiring Alabama doctors sailed through their courses, while others struggled. In retrospect, Hentz seemed perfectly fit for a career in medicine. He was interested in every aspect of care and excelled from the very beginning. Hentz was always a prize student and needed only two semesters at the University of Alabama to graduate, where he was first in his class.\textsuperscript{236} At the medical college at Transylvania University, Hentz similarly thrived. In contrast, Marion Sims and Matt Gayle struggled to complete their medical schooling. In Charleston, Sims wrote: “I was diligent in my studies, and I felt that...the responsibility of life was now doubly on me, and weighed heavily upon my shoulders. I felt that I had to prepare for a

\textsuperscript{234} Southern Times (Montgomery), April 17, 1855.

\textsuperscript{235} Southern Advocate (Huntsville), April 4, 1834.

\textsuperscript{236} Stowe, Hentz, 441.
period that I looked forward to not with pleasurable anticipation but with dread.”

In Philadelphia, Matt Gayle felt the pressure of passing medical school examinations overwhelming. “If it should fall to my lot to be among the rejected,” he wrote home, “I can only say that it will be the last you would ever hear of me, for I will in such a case turn in any other direction than towards home; indeed I should scarcely know what to do & have determined not to permit my mind to dwell on it for a single moment.”

It is impossible to draw broad conclusions about whether it was the pressure of expectations from family, from the professional community, or from something much more internal that made students like Gayle and Sims feel anxious. On the other hand, the stress of being a medical student could simply be the result of an increasingly exacting curriculum and the rising standards at medical schools during the period. As medicine became more professionalized in the antebellum period, medical students often struggled to meet the rising standards of the profession.

Undoubtedly, too, much of the discomfort Alabama medical students experienced can be attributed to simply being away from home and friends. However, in 1845, when the University of Alabama opened its first medical department, it became possible for medical students to pursue their professional education closer to home. But several attempts to build a stand-alone medical school in the state failed, and it was not until 1859, when Josiah Nott led a group of investors to launch the Alabama Medical College in Mobile, that the state had a medical school. The Alabama General Assembly incorporated the school on January 30, 1860. The General Assembly authored a legislative act that appropriated $50,000 of state funds, which were to be

237 Sims, The Story of My Life, 118.

238 Sara Ann Gayle to Matthew Gayle, February 19, 1843, Sara Ann Gayle and William Crawford Collection, Hoole Special Collections, The University of Alabama.
applied by the board in the purchase of a suitable lot and the erection of necessary college
buildings.” 239 Although the legislature declared its intention that the college should be a
department of the University of Alabama, the school was organized as an independent entity.

The process for educating and licensing Alabama lawyers also varied over time, but was
fundamentally different from medicine in several ways. Standards for becoming a lawyer in
Alabama for much of the antebellum period were lax and matched national trends for legal
licensing. As noted, the relationship between a town and its legal community never reached the
sort of intimacy that the town had with its doctors so the processes of becoming a lawyer, and
staying in town did not carry the same urgency. Rather than creating conditions to make the legal
profession a more exclusive community of specialized practitioners, there were consistent efforts
until the early 1850s to make the practice of law accessible to a wide number of men. Another
consequence of this popular approach was that law degrees at colleges and universities carried
little extra weight in the licensing process. Men who chose to attend law classes at schools
outside the state tended to come from more privileged families. They did so for reasons that had
more to do with grooming for a public career and making connections with others in their socio-
economic level than enhancing their understanding of law. 240

239 Griffith, Alabama: A Documentary History, 210; and Howard L. Holley, M.D. A History of
Medicine in Alabama (Birmingham: The University of Alabama School of Medicine, 1982), 83.
Holley uses the slightly different figure of $25,000.

240 Wythe Holt, ed. Essays in Nineteenth Century American Legal Education (Greenwood Press,
Westport, Connecticut, 1976); Bledstein, The Culture of Professionalism; Maxfield Bloomfield,
American Lawyers in a Changing Society, 1776-1876 (Cambridge: Harvard University Press,
1976); Samuel Haber, The Quest for Authority and Honor; Gerald W. Gawalt, “Sources of Anti-
Lawyer Sentiment in Massachusetts, 1740 - 1840,” American Journal of Legal History (1970)
Journal of Legal History (1968), 306- 323. Both the Gawalt and Bloomfield essays appear in
Holt, Essays.
The main way an Alabama man became a lawyer was to “read” the law under the direction of a licensed attorney, and then appear before two circuit judges who then checked whether the or not the applicant was of sound moral character and had some knowledge of law. The first part, reading the law, meant that the student agreed to exchange certain clerking services for access to legal books and mentoring. Clerking involved transcribing letters and other documents as well as handling the menial tasks associated with operating a law office, such as filing papers and running letters to and from the office. For these services, a clerk might be provided copies of Blackstone’s *Commentaries on the Laws of England* or the works of Sir Edward Coke in order to understand the foundations of American law. For laws pertaining specifically to Alabama, students needed to make themselves familiar with Harry Toulmin’s *Digest of Alabama Laws*, or with Henry Hitchcock’s, *The Alabama Justice of the Peace: Containing all the Duties, Powers and Authorities of that Office as Regulated by the Laws Now in Effect in this State*. Both books were published in the early part of the 1820s and were available to antebellum Alabama law clerks. 241

Law books and legal documents were found in law offices or in homes of established lawyers, so a clerkship was essential to an aspiring attorney. Yet there is no doubt that supervision of law clerks varied greatly, and without a qualifying examination to enter the bar, the system was anything but rigorous, and open to interpretation and innovation. The attorneys who served as guides to the law clerks were not compelled by any law or custom to go beyond simply providing a workspace and reading material to their apprentices. When the terms of the apprenticeship were satisfied and when the mentor agreed to vouch for the student’s legal 241

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acumen and character, then the aspiring lawyer could apply for a license. In 1852, the state passed more stringent requirements for admission to the bar. After the new code, candidates would appear before the circuit court and face more difficult questions in seven different fields: real property, personal property, pleading and evidence, commercial, criminal, chancery law, and Alabama statutes. Anecdotally at least, the process of becoming a lawyer through apprenticeship seemed hardly overwhelming for a young man with desire and some book smarts; and judges granted licenses liberally to all applicants so long as they were considered to be of sound moral standing.

The apprenticeship process in Alabama’s antebellum professional community also reinforced one’s status in the community. Ostensibly open to all, in reality, it did not work that way. In order to become a lawyer one needed to have a connection with someone who was already licensed and willing to share time and space. These tended to be friends of family, or even kin. Thus the initiation process served to create a pathway for sons of the community’s more established families to enter the profession. The circuit court judges, who actually administered the licenses, were often acquaintances of a prospective lawyer’s family or even friends with the applicant’s mentor. With the general laxity of guidelines, and the prevalent looseness in the apprenticeship system, it is understandable that many did little more than the minimum required to obtain a license to practice. There were exceptions and the state did produce its share of brilliant jurists, but the fact remains that many lawyers in antebellum

242 Pat Boyd Rumore, *From Power to Service: The Story of Lawyers in Alabama*, (History and Archives Committee of the Alabama State Bar, 2010), 43.

243 Ibid., 37.
Alabama began their legal careers inadequately prepared to interpret the law, let alone vigorously defend clients.  

Young men did their reading on their own time, after work hours, often in the evening. Huntsville lawyer Septimus Cabaniss wrote about reading law as a type of elite burden. In one letter he announced an intention to assist a friend in a romantic venture “however much it may break into my studying arrangements.”  

Lawson Clay, one of three Clay boys to obtain a license to practice law, often escaped to one of his family’s four plantations in order to concentrate on his studies. “I know that in living entirely at the plantation,” he wrote, “I do myself much injury in some respects, but I prefer living cut off from society for a few months and then to emerge from my chrysalis (so to speak) state, a professional man, to whiling away a miserable existence of lawgiver.” Lawson Clay understood the value of country solitude versus, as he put it, the “doing-nothingness in town, surrounded by high ups and pretty faces, and all the paraphernalia of fashionable life. In the country I neither visit nor seek visits.”  

Of course, not every aspiring lawyer had the luxury of packing up his books to take advantage of his family’s country estate. Relatively few were members of planter families and most law students were busy clerking, tutoring, or in other ways supporting themselves. Towns and cities, in fact, became breeding grounds for clerks who read the law while finding

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245 Septimus Cabaniss to Charles Cabaniss, August 1837, The S.D. Cabaniss Collection, Hoole Special Collections, The University of Alabama.

246 Lawson Clay to Withers Clay, August 7, 1843, Clement C. Clay Papers, Perkins Library, Duke University.
employment in an established legal practice. County seats and the state capital had the natural advantages of a busy legal community, so there one would find the highest density of men reading the law. In fact, professionals in all towns and cities could be counted on to support aspiring lawyers by providing lodging. In Mobile, according to the 1860 U.S. Census, physician B.L. Long opened his home to no less than six young men who were at various stages of legal training. One twenty-four year-old named W. Withers was listed as a “lawyer”; another housemate was called a “law student,” and the other four were “clerks.” Down the road from Long was the home of another doctor, South Carolina born William Taylor. His eighteen year-old son Joseph were listed as a law student. In Montgomery many homes were filled with young men reading law, and some of these too were in households owned by physicians.\(^{247}\)

By and large, though, legal education through the apprenticeship system relied on a critical mass of lawyers in towns and cities. Mentoring came from within the practice, and from among the other lawyers. The legal profession grew exponentially in certain towns and cities, such as Huntsville, Tuscaloosa, and Montgomery. By 1860 so many lawyers were practicing in Huntsville that at least one could be found in every thirteen homes.\(^{248}\) Tuscaloosa and Montgomery also became important centers for legal study due to the high concentration of lawyers one would expect in state capitals. After 1831, Tuscaloosa had the additional advantage of housing the state’s university, thereby ensuring a stream of students who were attracted to the law profession. A report that appeared in the *Selma Free Press* in 1845 noted that in Dallas County there were thirty-six practicing attorneys, adding that, “Clients can’t go amiss in finding

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\(^{247}\) 1860 U.S. Census.

\(^{248}\) According to the 1860 Census, there were 432 houses in the city of Huntsville and lawyers occupied thirty-two of them.
someone to advocate their case.”\textsuperscript{249} Comparably, Mobile had a lower density of lawyers, thus the opportunities for clerking were somewhat limited. The city’s high volume of commerce attracted thousands of laborers who worked in and around the city’s docks; these lower income whites, many of whom were immigrants, had much less use for professional services. By the time of secession, Huntsville, Montgomery, and Tuscaloosa remained lawyer-rich communities that offered growing numbers of legal apprenticeships. By contrast, the legal community in Mobile continued to be relatively small, perhaps due to the high volume of working class residents who generally did not avail themselves of professional services. In Alabama’s largest city, the ratio was one lawyer per 125 households.

\textbf{TABLE 3}

Lawyers in the three largest Alabama cities, 1860\textsuperscript{250}

<table>
<thead>
<tr>
<th>Total Number of Households</th>
<th>Lawyers</th>
<th>Lawyers per home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montgomery</td>
<td>1475</td>
<td>30</td>
</tr>
<tr>
<td>Tuscaloosa</td>
<td>1215</td>
<td>23</td>
</tr>
<tr>
<td>Mobile</td>
<td>4277</td>
<td>34</td>
</tr>
</tbody>
</table>

Overall, few lawyers pursued advanced legal education due to the scarcity of opportunities, the lack of community interest, and the simple fact that a law degree from a university or college was not necessary for licensing. More education simply did not enter into the calculus of most aspiring young lawyers in antebellum Alabama. Still, by looking at the

\textsuperscript{249} Selma Free Press, as seen in Fayetteville Observer (Fayetteville, NC), November 18, 1845.

\textsuperscript{250} 1860 US Federal Census.
experience of a few who did continue their formal training beyond the apprentice system, it is clear that a shift toward more advanced legal education was underway by the time of the Civil War. In order to earn a law degree during much of the antebellum period, an Alabama law student had to travel outside of state. When the Litchfield law school—generally considered the first independent law school in North America—opened in Connecticut 1774, it was really no more than a glorified clerking house. In 1779, Thomas Jefferson endowed a chair for the Law at William and Mary College. Transylvania University and the University of Pennsylvania both had law departments by 1800. Princeton College trained both John Williams Walker and James Birney in the study of law in the early 1800s. Eventually the independent schools and departments were absorbed into the university system and able to operate more cost effectively. There were twenty-one law schools in the U.S. by the time of the Civil War, but not until Montgomery Law School opened its doors in 1860 did Alabama have a law school.

Alabama’s most prominent lawyers generally came from privileged families. By opting to study law at a university in the mid 1830s, Clement Clay, Jr. took a longer, more circuitous route to the profession. After deciding that his education at the University of Alabama was inadequate, he wrote that “I do not entertain the most distant idea of…commencing a profession—I am unprepared.” His father must have agreed, for later that same year the pair toured schools on the east coast. Writing from Charlottesville, Virginia, father Clement Sr. reported that he and his son had “visited the university, and became acquainted with the

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251 Bledstein, The Culture of Professionalism, 189-191; and Albert J. Harno, Legal Education in the United States: A Report Prepared for the Survey of the Legal Profession (Clark, New Jersey: The Lawbook Exchange, LTD, 2004), Other sources list the year of Litchfield’s opening as 1784, the year it constructed a new building.

252 Clement Clay, Jr. to Clement Clay, February 8, 1834, Clement C. Clay Papers, Perkins Library, Duke University.
principal, and several other professors, and saw the library, museum, Philosophical Apparatus, etc. I was pleased with all.” Son Clement was less impressed. He wrote to his mother that he was “disappointed,” especially with the small dormitory rooms: “I will not room in them.” The persnickety son went on to paint an entirely different portrait of the university. The students, he wrote, were “wild, harum scarum, tho’tless & dissipated, without that noble emulation, constant application & high minded bearing, I wished to see.” The faculty was no better. “The Professors...seemed uncommunicative & morose.” The lawns “had an air of stiffness,” and the buildings “a tireless uniformity.” Still, the son bent to the wishes of his father, even though several bouts of illness meant it would be another two years before he was able to commence his study of law at the University of Virginia. He did not obtain his license to practice law until October 1839. His neighbor, Jeremiah Clemens, also was one of the few who opted for advanced formal legal training. After reading law in Huntsville under the elder Clay’s partner, A.F. Hopkins, Jeremiah Clemens attended the University of Alabama and then went off to study law at Transylvania University in 1833. He obtained his license to practice the next year, clearly more qualified to interpret law the most of his peers. Clemens’ professional training certainly played a role in his dynamic and controversial rise in Alabama politics over the next several decades.

Meanwhile, the University of Alabama finally opened its first law department in 1845, the same year that it began a medical department. The university named Judge Benjamin Porter

253 Clement Clay, Jr. to Susanna Clay, December 1, 1834, Clement C. Clay Papers, Perkins Library, Duke University.


255 Biographical sketches found in Charles Lanman Papers, Hoole Special Collections, The University of Alabama.
its first chair of Law and put him in charge of establishing the curriculum.  

Porter was an interesting choice to head the department. Born in South Carolina in 1808, his first interest was medicine, which he studied in Charleston at the office of Dr. Thomas Legare, and which he later practiced professionally. But he also took time to study law, and in 1826, at the age of 18, he was admitted to the bar. Porter, now a doctor and a lawyer, moved to Claiborne, Alabama in 1828. Unable to build a patient base in Claiborne, Porter gave up medicine to concentrate on law.

In the 1830s, Porter got involved in state politics, and as a legislator he made a name for himself as a reformer. He sponsored a bill aimed at abolishing imprisonment for debt. He spoke out for limited use of the death penalty, calling for executions only in cases with clear evidence. He tried and failed to push through legislation that would have established a common fund for public education funded by general taxation. Though his efforts on these fronts proved fruitless, he developed a reputation as a serious thinker, and, despite political setbacks, Porter was appointed a judge of the new tenth circuit court in 1840. Later, Porter lobbied for the creation of the law department at the university and then accepted the position of its chair. His compensation was based on tickets sold to his lectures, but unfortunately the classes were undersubscribed to the point that he never delivered a single lecture. As a contemporary remarked, “Judge Porter abandoned the situation without delivering even the introductory lectures.”

Even though Porter’s attempt to build a law department at the University of Alabama failed, he contributed to the culture of professional development at the school. Months before he was named the school’s first chair of Law, Porter spoke to the University’s Erosophic Society


257 Garret, Reminiscences, 317; and Pruitt, Jr., Taming Alabama, 27.
and his address was published the following year. “There must be an aristocracy of the mind,” he told the young men listening that evening in Tuscaloosa, where one was to “reject the idea of personal distinction resting on the gifts of fortune.” Instead, Porter told his audience to “explore, industriously, the mines of knowledge to which your studies here introduce you; and dispense their pleasures with patient and generous labors to your fellow men.” Porter was a deep thinker, a trained intellect who studied the sciences as well as the classics. His talk was laden with allusions drawn from ancient Greece and Rome as well as metaphors that showed erudition in geology, chemistry, and climate. He closed his talk by circling back to moral improvement being central to professional development. This time, though, “there will be a nobility of morals.” As articulated by Porter, the pathway for a young professional stood in sharp contrast to the materialistic, consumerist, planter-dominated culture that was lampooned in northern presses.

The professionalization of law continued in Alabama. When Montgomery Law School opened in 1860, school president Wade Keyes noted in his opening address that, “it is a misfortune that in this country we are pressed to the Bar so soon, either by our necessities or by a misguided ambition.” Lawyers, he argued, who were trained that way are “too apt to regard themselves as masters of the Profession.” This sentiment points to a departure from the Jacksonian idea of making entry into the professions relatively easy. Porter and Keyes both saw themselves as elites by way of their training rather than by the wealth and prestige they had gained outside to their practice. Keyes went on to tell the law students that a successful practice will “yield a competency.” By being competent, a man could make an honest living being a

258 Pruitt, Jr., Taming Alabama, 14-31.

259 Wade Keyes’ Introductory Lecture to the Montgomery Law School, 1859, Hoole Special Collections, The University of Alabama.
lawyer. The idea of professional competency had been there from the start with medicine, and was now becoming an important feature in legal training.

Advanced formal, professional education was on the rise on the eve of the Civil War. Degrees earned at professional schools provided an additional credential that became increasingly valuable to the practitioner. Academic credentialing was part of a process that transformed and elevated professional careers. Increased training made professionals more distinctive in their hometowns, especially juxtaposed to the increasing numbers of illiterate, and undereducated townsfolk. Now, professionals endeavored to reinforce their elevated status by means not directly tied to their schooling.
CHAPTER FOUR

Building Professional Practices and Identities, 1820-1860

Doctor Fearn stopped practicing medicine around 1840. He left no record of why, but by 1841 his name no longer appeared as a member of the Madison County Medical Board. His retirement from practice in his early fifties fits a pattern found in the lives of many of his professional colleagues. Fearn learned early on that you could not get rich off fees from practicing medicine or law, so he actively pursued interests outside his profession. After returning from Paris in 1820, Fearn had taken part in a public works project, which involved digging a canal from Huntsville’s Big Spring to the Tennessee River. Fearn’s financial contributions and his persistence in seeing the work to its completion, despite several setbacks, led many to refer to the project as Fearn’s Canal. In 1836, Fearn and his brother George bought the town’s dilapidated water works and completely rebuilt it. The Huntsville Water Works was one of the first public water systems west of the Appalachian Mountains and the first one in Alabama. Fearn sold the system back to the city in 1858 for $10,000 cash and a promise of a lifetime of free water for his home on Franklin Street. Both the canal and water works projects were major capital investments for Fearn to which he dedicated much time, and these internal improvements must have provided satisfaction to the self-proclaimed “conservative Whig.”

By the mid 1840s Fearn was a partner in a cotton agency called Donegan and Fearn. Work with the agency kept him away from Huntsville as he travelled to Memphis, New Orleans, and Mobile.

260 Thomas Fearn to Unknown, December 1859, Olin King Private Papers.
for long stretches of time. His public career soared as well. In 1821 Fearn was elected to the state legislature and that same year he was asked to be a trustee on the board of the state’s new university. Although the university would not open for ten years, Fearn remained an active member of the board for nine years.

Fearn’s multifaceted career proves that degreed professional men cannot be crammed into orderly boxes. They lived in broader communities that supported and encouraged them to pursue various careers, so that they would find both professional and personal contentment. With this contentment came stability and a desire to permanently settle, marry, and have a family. Most pursued careers outside their profession, but they did so for many different reasons. Professionals lived lives that intersected all layers of southern society. They lived alongside merchants, planters, and other non-professionals and formed lateral bonds based on things unrelated to their advanced schooling and earned degrees. They supported professional organizations, but they also joined other voluntary associations. They continued to build and maintain public and private institutions—schools, libraries, post offices, courthouses, jails, theatres and such.

Multitudinous experiences shaped the professional identity every bit as much as did formal education. Like Fearn, Dr. Marion Sims realized that his profession alone was not a path to comfortable living or riches. Sims wrote that even after he had become “tolerably successful” in medicine, that he “was really ready, at any time and at any moment, to take up anything that offered, or that held out an inducement of fortune” because he knew that he “could never make a fortune out of the practice of medicine.” In fact Sims quit medicine to become a partner in a new clothing house in Mississippi, only to return to his practice when the deal fell through. Likewise,

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261 An extensive record of Fearn’s work with the Donegan Fearn Cotton Agency is housed at the archives at the University of Alabama.
Fearn’s son-in-law Mathew Steele quit the law because he thought it “a laborious and beggaring profession.” Steele began to work as a commission agent, stating that, “the great object of my wishes is now to be at work, and working in such a manner as will render me comfortable and independent.”

Comfort and independence were not simply matters of more flexible public career paths. Private lives mattered as much if not more. One consequence of living in a culture that encouraged professionals to take advantage of opportunities outside their primary vocation was that the average professional had more wealth, more slaves, bigger houses, and larger families than the average, non-professional white family heads-of-household. Although collectively, due to their diversity, professionals were not a well-defined social class, as a statistical cohort they held more than their share of material trappings.

The shared experience of earning a degree or qualifying for a license added an authenticity in an era of boundless chicanery. Voluntary organizations such as medical associations, state and county bar associations, and other groups that institutionalized the fraternity of licensed professional men became increasingly significant to combat the perception of widespread quackery. The 1844 Mobile City Directory carried a full-page advertisement for the Mobile Medical Society that targeted fraudulent practitioners. The ad stated, “The true obstacles to the advancement of Medical Sciences, are Superstition, Prejudice and Quackery. Persons who scorn the leanings and attainments of well educated Physicians, confine their lives where they would not trust a dollar, sacrificing self and kindred, their dearest ties to the manes of unprincipled faith in Doctors, who are ignorant of the fundamental principles on which they presume to delude the

262 J. Marion Sims, The Story of My 192. Matthew Steele to Catherine Erskine Fearn, July 13, 1848, in Patricia H Ryan, Cease Not But to Think of Me (Huntsville, 1985).
simple minds of their victims.” Among those who signed the notice was the board’s president, Dr. Josiah Nott, who became famous as a racial theorist. In Huntsville, Fearn was the first president of the North Alabama Medical Association when the group was chartered in 1827. Legal fraternities were also concerned with the legitimacy and ethical behavior of men purporting to be legal practitioners. Bar associations fought for more stringent licensing requirements. Religious professionals tended to organize along denominational lines, but antebellum Alabama clergy tried to raise the community’s awareness and appreciation of their credentialing process as a means of thwarting the advances of religious charlatans.

Societies therefore boosted professional development by pushing for tougher, more stringent licensing rules, slowly dealing with the problem of imposters, by claiming an authenticity whether justly or not. United by a sense of brotherhood based on their shared

263 Mobile City Directory, 1844, 6.
266 The struggle against quackery and the formation of voluntary professional associations are found in most studies of antebellum professionals. For medical professionals see Stowe, Doctoring the South; Howard L. Holley, M.D., A History of Medicine in Alabama (University, Alabama: The University of Alabama Press, 1982), 209-216; James Thomas Flexner, Doctors on Horseback: Pioneers of American Medicine (New York: Fordham University Press, 1992); Reginald Horsman, Josiah Nott of Mobile: Southerner, Physician, and Racial Theorist (Baton Rouge: The Louisiana State University Press, 1987). Nott is described here as the “moving spirit” behind the formation of the Mobile Medical Society. “He began to take the lead in organizing the best-qualified Mobile physicians to defend the exclusiveness of their profession,” 69; and Alan C. Mermann, The Renaissance of American Culture: A Century of New Learning and Caring (New York: University Press of America, 2001). For the issue of authenticity and the legal profession, a good start is with Gail Williams O’Brien, The Legal Fraternity and the Making of a New South Community, 1848-1882 (Athens: The University of Georgia, 1986), 130; Maxwell Bloomfield, American Lawyers in a Changing Society, 136-152; and Samuel Haber, The Quest for Authority and Honor., especially chapter four. Even though the clergy in Alabama
schooling and licensing experience, professionals adopted a language and an attitude that elevated their status as the “true” professionals in their antebellum world. Yet affirming a sense of place or status within society was of secondary concern; primarily these groups aimed to regulate licensing procedures and state fees. Moreover, professionals joined other voluntary associations. These included clubs that dealt with dueling, temperance, colonization, and welcomed members from all walks of southern life.

In the end, professional associations in Alabama were largely successful. Over time both the fields of medicine and law became more standardized and restrictive based on the knowledge and training of skilled practitioners, and the status of professionals rose. Standardized licensing requirements became even more important later in the antebellum period because the state was growing fast. By 1850, about 2.5 percent of the male population listed Physician, Clergy, or Lawyer, as their chief occupation. There were 1264 physicians in the state of Alabama, 702 clergyman, and 570 lawyers. Looking more closely at the number in 1860, in the ten largest cities and towns in Alabama—Mobile, Montgomery, Huntsville, Tuscaloosa, Selma, Cahaba, Kingston, Florence, Marion, and LaFayette—there were 518 head of household male professionals serving a total of 9,184 households, meaning that professionals occupied 5.6 percent of the homes. Professionals, as we shall see, averaged larger family sizes and slave holdings than non-professionals in urban areas, thus the total souls within a professional home represented a figure well above 5.6 percent of the entire population.

TABLE 4

Percentage of Professional Households in Town

<table>
<thead>
<tr>
<th>City/Town</th>
<th>Total Free Households</th>
<th>Professional Households</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile</td>
<td>4277</td>
<td>139</td>
<td>3.2</td>
</tr>
<tr>
<td>Montgomery</td>
<td>1475</td>
<td>102</td>
<td>6.9</td>
</tr>
<tr>
<td>Tuscaloosa</td>
<td>1215</td>
<td>67</td>
<td>5.5</td>
</tr>
<tr>
<td>Selma</td>
<td>609</td>
<td>33</td>
<td>5.5</td>
</tr>
<tr>
<td>Cahaba</td>
<td>468</td>
<td>31</td>
<td>6.6</td>
</tr>
<tr>
<td>Huntsville</td>
<td>423</td>
<td>89</td>
<td>21</td>
</tr>
<tr>
<td>Kingston</td>
<td>375</td>
<td>12</td>
<td>3.2</td>
</tr>
<tr>
<td>Florence</td>
<td>179</td>
<td>15</td>
<td>8.3</td>
</tr>
<tr>
<td>LaFayette</td>
<td>94</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Marion</td>
<td>69</td>
<td>13</td>
<td>19</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9,184</strong></td>
<td><strong>518</strong></td>
<td><strong>5.6</strong></td>
</tr>
</tbody>
</table>

Household figures like these point to a basic conundrum when dealing with professional occupations in antebellum Alabama: when or do professionals stop being professionals? Census records were based on self-declarations, and federal marshals who gathered the census data were instructed to list the respondent’s primary occupation. Professionals had multiple identities and it is not entirely clear why some respondents chose to name their profession while others opted to cite farming or mercantile work, or some other career. Nor did they necessarily report their most lucrative occupation. Fearn, for example, stopped practicing medicine full time in the 1840s. He

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267 These figures were drawn from my database based on 1860 U.S. Census data.
was a successful cotton merchant, as well as a big landowner and slaveholder. Yet in 1850 he was listed as a “doctor,” according to the census records. By 1860 his occupation is listed as “farmer,” even though his slaveholdings and acreage far exceeded the norms to call one a planter.268 Noah B. Cloud, who published the American Cotton Planter, was a “physician” in 1850 and a “planter” in 1860. Henry Watson, who settled in Greensboro, began acquiring property and slaves in the 1830s. By 1850 he was wealthy. In the census that year he still listed “lawyer” as his profession. Ten years later the census record for Watson stated his occupation as “farmer.” Were these men any less part of the brotherhood of professionals after they acquired great wealth? It is unclear but doubtful. In 1860 Fearn and Cloud were still referred to as “doctor” in their communities and both stayed interested in medical advancements throughout their lives. Both doubtlessly continued to look after the health care of their home and their slaves. In 1855, Fearn wrote to his daughter, “I have a very sick Negro at the plantation who I am going to see this morning.”269 During the Civil War, Cloud served as a surgeon in the Confederate Army. Even though financial circumstances altered the arc of their professional careers, men like Fearn, Cloud, and Watson never truly abandoned their respective professions.

Of all the professional occupations, medicine and law were the best pathways to wealth. Wealth was acquired primarily through land and slaves, but doctors and lawyers better parlayed their professional status and connections to enlarge their estates than did other professional groups. Lawyers, in particular, dominated the upper tiers both in average estate value and in numbers. In Mobile, Montgomery, and Huntsville, there were forty-three lawyers to seventeen

268 In 1860, Fearn owned 48 slaves, but had double that amount only a few years before. Fearn was wealthy: his real property in 1860 was worth $46,000, and his personal property including slave value exceeded $128,000.

269 Fearn to Maria Garth, July 31, 1855, Olin King Private Papers.
doctors in the top third in estate value. Lawyers in these cities were worth an average of $112,491.63 versus doctors’ $71,858.88. By the latter part of the antebellum period lawyers and doctors were also involved in numerous commercial ventures that were not directly related to agriculture. As a push came from some corners of the South to diversify the economy, professionals in Alabama attended commercial conventions and subscribed to state and regional magazines aimed at boosting production and expanding economic opportunities. Many subscribed to the popular regional monthly De Bow’s Review, along with Cloud’s American Cotton Planter. A recent survey of subscribers to De Bow’s Review between 1846 and 1860 shows that the twenty-four Alabama doctors and lawyers who subscribed had an average estate worth $157,024, a figure that suggested that these subscribers were among Alabama’s wealthiest professionals.270 These journals were indispensable for upper crust professionals: they provided leading edge reporting on technological advances and innovations, and because elite professionals read them, subscriptions to the journals were symbols of elevated community status. Fearn wrote on October 13, 1860, “The numbers of the Southern Cultivator for June & October have never come to hand, and as I value the work highly & have my volumes bound, I must beg the favor of you to have these missing no.s forwarded to me.” He renewed his subscription on December 14, 1860 and sent money in for himself, his brother Robert, and two others.271

Still, the professions were something grander than simple stepping-stones to owning a plantation. A professional identity coexisted with other identities.272 While many like Fearn,


271 December 14, 1860, Olin King Private Papers.
Clement Clay, and Henry Watson used their professional careers as springboards to greater wealth, there were many examples of men raised in planting environments who eschewed country living to become professionals in urban settings. Dr. Josiah Nott began life on a plantation in South Carolina. He gave up agriculture to live in Mobile to practice medicine, and to write his biologically based racial theories.\textsuperscript{273} Another study of sons of planters found that between seventeen and twenty-one percent of planter sons pursued some professional career.\textsuperscript{274} In those cases, successful a planting career might be seen as a stepping-stone to a professional career. Age also played a role in determining which career one prioritized. In general, a busy doctor or lawyer worked more hours than an average planter, who had overseers and slaves to take care of things. Fearn was in his early fifties when he stopped practicing full-time. He may have just been tired of three a.m. knocks on his door by neighbors complaining of bowel problems.

Another reason professionals pursued alternate career paths had to do with community expectations. A key ethos of professionalism in the antebellum period was that the professions existed to serve their community for the greater good, not for pecuniary reasons. Pastor Daniel Bestor felt that “a pastor should not live off the church.” Bestor did not believe his congregation alone should bear the responsibility for his livelihood, thus he “always had another income of some kind, either from planting or running a school.”\textsuperscript{275} Moreover, professional men learned

\textsuperscript{272} Green, “Born of the Aristocracy: Professionals with Planter and Middle-Class Origins in Late Antebellum South Carolina,” in Wells, Green, eds., \textit{The Southern Middle Class}, 172 and 173.
\textsuperscript{273} Horsman, \textit{Josiah Nott of Mobile}, 12.
\textsuperscript{274} William Kaufman Scarborough, \textit{Masters of the Big House} (Baton Rouge: Louisiana State University Press, 2003), especially 66-75.
early that even had it been more acceptable to get rich by practicing medicine, law, teaching, or preaching, it was just not a good bet, and so most actively pursued careers outside their profession. Dr. Franklin Shaw moved from Vermont to Greensboro, Alabama, in the 1830s and soon found more lucrative fields than his profession. He became a merchant, and, according to Episcopal clergyman Caleb Ives of Mobile, “was making a fortune.” In the same letter Ives wrote of another physician who moved to Alabama from New Jersey and settled nearby. The physician regrettably “ran out of money, had to start his practice, eventually was able to just be a planter.” Some professionals accepted low incomes and lived austere. Others diversified, and many, like Franklin Shaw and Mathew Steele, simply abandoned their practices.

Although it was rare for a doctor or lawyer to earn enough off a practice to generate wealth, it was not unheard of. After Josiah Nott arrived in Mobile in late 1836, he was amazed at the prospects for earning a staggering income practicing medicine. “Mobile is essentially a money making place,” he wrote. Dr. Henry Levert, who studied at Jefferson Medical College in Philadelphia, estimated an income from his practice in 1836 to be fifteen to twenty thousand dollars. This is a far cry from the two to three thousand Sims was clearing at the same time in Montgomery. Nott believed his income in 1837 might top ten thousand. Yet Nott and Levert’s wild ride came to a crashing halt, when the Panic of 1837 sent Mobile reeling for the next several years. Leeman Hitchcock reported at the time, “Our own beautiful and flourishing city was amongst the first to feel the shock of monetary distress.” Another Mobile lawyer wrote,

276 Caleb Ives to Dr. Theophilus Clark March 6, 1834, Caleb Ives Papers1834-1836, Perkins Library, Duke University.

“business here is at a perfect stand still.” But Nott regrouped when the city rebounded in the mid 1840s and his medical practice was always the engine that drove his portfolio. By 1860 he had accumulated $50,000 in private wealth, and reported an annual income of $10,000. His slave ownership may have been large for a city dweller but modest for a man of Nott’s wealth and influence: in 1850 he owned fifteen slaves and by 1860 the number was down to ten.

Despite the quick rise of Nott and a few others, it generally took years to build a practice, and a young practitioner seized the opportunities available to him even if they seemed meager. After moving to Montgomery, Marion Sims built his practice by working “at the very bottom.” “The first people who took me up were ‘free niggers,’ ” he reported. As his Montgomery practice grew, he was introduced to other sections of society that proved more profitable. “I became physician to the Jewish population of the town, of which there were several families,” he reported. “They were people who always had money in plenty, and were very liberal with it.”

After Tuscaloosa resident Charles Hentz graduated from the Medical College at the Transylvania University in 1845, he set up practice in Cincinnati before returning to his home state. He described his early practice as “good enough for a young doctor in a large city—I made $20 to $30 per month in cash.” Early on he made his living delivering babies for the city’s growing Irish population. He was, however, “often cramped for money,” and eventually entered a partnership agreement with Eusebius C. Bainbridge of Kentucky. The arrangement allowed Hentz to share

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278 Leeman N. Hitchcock to Gideon Seagar, Jr., August 11, 1838, Joseph Lesesne Papers 1833-1848, Southern Historical Collection, UNC.

279 Thomas Whinnis to William Robinson, Esq., August 29, 1841, Thomas Whinnis Letter 1841, ADAH.

280 U.S. Federal Census, 1850 and 1860; Mobile City Records Tax Assessment, 1860—1861; and Horsman, 130, 258.

281 Sims, The Story of My Life, 207
costs on rent, gas, coal, and sundry office items.\textsuperscript{282}

Yet success was never a sure thing for antebellum professionals regardless of their patience and flexibility. The growth of any business, including nineteenth century professional practices, relied on certain intangibles like word of mouth and advertising. People sought lawyers, doctors, and other medical professionals based on personal connections, on recommendations of friends or family. A good family name along with a reputation for moral standing in the community remained essential ingredients that provided entry into a professional practice and determined the likelihood of one’s success. This factor was more important in the later antebellum period when affluent families had time to settle in a community for a period of time.

In growing towns, one’s reputation was important not only to protect, but also to project and amplify in local newspapers. From the territorial days, antebellum professional men carried family reputations and connections with them from Virginia, Georgia, South Carolina, Tennessee, and other parts of the country. An ad that appeared in the \textit{Alabama Republic} on February 13, 1819 shows how important social connections were. In his advertisement, Dr. D. M. Wharton announced that he had recently arrived from Virginia to “offer his professional services to the citizens of Huntsville and its vicinity. Having been engaged for the last fifteen years in an extensive practice in Powhattan county, Va. he flatters himself, with his experience and attention, he will be able to give general satisfaction to those who call on him. He lives in the home lately occupied by Mr. Clay, south of public square.”\textsuperscript{283} Claiming to have practiced in Virginia was sure to get noticed in Huntsville. Families of many of the town leaders, like

\textsuperscript{282} Stowe, \textit{Hentz}, 514.

\textsuperscript{283} \textit{Alabama Republic} (Huntsville), February 13, 1819.
Thomas Fearn and architect George Steele, came from the Old Dominion. Wharton’s name-dropping Clement Comer Clay was intentional and strategic, as well. But when Wharton and others used advertising space in a local paper, they needed to be careful—any hint of hucksterism or of simply trying too hard to become successful at a practice could be lethal to one’s reputation.

Mindful of not over-selling themselves or their services, professionals still bought thousands of ads in Alabama newspapers in the antebellum period. They placed these advertisements in local papers that other professional men launched throughout the period. A short review of the history of Alabama newspapers shows the connection between the professional community and the local press. First and foremost, newspapers prospered in areas with higher densities of professionals in the same ways as local schools. Doctors and lawyers formed a solid base of advertisers and their paid subscriptions could give a well managed weekly the financial stability it needed to survive. Without the presence of a robust community of professionals, the viability of a local newspaper was in peril. Harry Toulmin, for example, attempted a weekly publication—The Mercury, or Tombigbee & Alabama Advertiser—in the Tombigbee settlement in 1810 but there is no record of the paper actually going to press. With few professionals yet in the region and fewer still to purchase subscriptions, it is not surprising that the endeavor failed. Conversely, there was plenty of publishing interest in northern Alabama. As early as February 1812 Clement Clay received a letter from Tennessee governor William Blount suggesting that Clay bring in a printer to start a press in Huntsville, and added that the printer needed to be “a first rate man.”284 Later that year the town had its first newspaper,

284 Governor William Blount to Clement Clay, February 13, 1812, The Clay Collection, HMCPL.
The Madison Gazette, although it is not clear if Clay had much to do with its launch. Although the paper would go on to change names and ownership twice before becoming the Southern Advocate, it remained in spirit the town’s boosterish or whiggish paper throughout the antebellum period.

The print culture in Alabama changed after the state’s constitutional convention of 1819. After two years without a single new publication appearing in the Alabama Territory, six new local weeklies launched in a single year to celebrate the Territory’s rise into statehood.\(^{285}\) This fact points to a higher level of curiosity and engagement felt by the people of Alabama for the (mainly) national events and opinions that would be covered in these new weeklies. Now professionals had more advertising outlets. The presence of a community of professionals eager to offer services to their neighbors is reflected in all antebellum Alabama papers. Selma, for example, boasted numerous ads by professionals: the Selma Free Press on October 6, 1838 sold space to ten lawyers and six doctors. Montgomery, Huntsville and Tuscaloosa papers consistently raked in dollars from space sold to their robust professional communities. By contrast, over time professionals did not advertise as much in Mobile. In the entire month of February 1829 only one ad for a professional practice appeared in the Mobile Commercial Register. The Mobile Register and Journal on November 5, 1843 touted just two attorneys and no medical practices. Even Mobile’s daily paper, The Mobile Daily Register, which had a circulation in the thousands by 1860, typically received only meager advertising support from the professional community. In an issue that appeared in the summer of 1858 there were only seven ads for professionals.

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attorneys who opted to place an insertion in the city’s largest paper—that is, seven attorneys in a city of well over 25,000.\textsuperscript{286}

Regardless of the number of advertisements purchased by a town’s professional community, certain themes recurred. Professionals placed ads that were low key and unassuming. Professionals advertised in whispers. It was standard fare for medical or legal ads to politely offer a service to the community and briefly mention where and when the doctor or lawyer could be found at work, and not much else. Advertisements like this one that appeared in a local Huntsville paper in 1824 were fairly common: “Edwin Jay Osborn, ATTORNEY AT LAW, has taken the Office in Huntsville lately occupied by Messrs. Thorntons. He purposes [sic] to attend the Circuit & County Courts of Madison and Limestone, and the Circuit Courts of Blount, St. Clair, and Decatur.”\textsuperscript{287} It was more common for professionals to represent themselves in this way than it was to risk looking overly ambitious or panicky. There were limits to how aggressively any advertiser could boast about his product or service, but juxtaposed to professionals’ ads, advertising placed by others was less muted. “We have just opened a few Packages of New and Fashionable GOODS,” read an advertisement by clothiers Andrews & Brothers, and “we particularly solicit the Ladies to examine—they have all been purchased on the cheapest terms for cash, and will be sold at very moderate prices.”\textsuperscript{288} This type of ad was common for merchants of all types, but it is hard to find any equivalent in terms of its solicitous tone among the many ads placed by professionals.

\textsuperscript{286} \textit{Selma Free Press}, October 6, 1838; \textit{Mobile Register and Journal}, November 5, 1843; and \textit{The Mobile Daily Register}, July 1, 1858.

\textsuperscript{287} \textit{Alabama Republic} (Huntsville), April 2, 1824.

\textsuperscript{288} \textit{Southern Advocate} (Huntsville), January 18, 1828.
A calm, steadying tone in professional advertising is reflected in contemporary accounts of the professional community. “That part of the race [that] belonged to the professions of law and medicine,” recalled Judge Thomas Taylor in the second half of the nineteenth century, “generally rose to eminence because they had calm self reliance…good judgment and unflagging industry that win success in a professional career.”289 Or in many of William Garrett’s biographical sketches, such as his description of Samuel R. Blake of Dallas County: “Mr. Blake had a very engaging personal address and was a refined, elegant gentleman in social life, and in public service.”290 Certainly there were more than a few ruffians, scoundrels, scammers, and crooks among those who held professional licenses. Not all professionals had “good judgment” and “unflagging industry.”291 Yet professional advertising reflected the virtues described by Judge Taylor and William Garrett, as well as the comportment expected by the local communities.

Within their announcements, legal and medical practitioners used a language that distinguished them from non-professional advertisers. Ads tended to be written in the third person: such as, “the firm announces,” “the practice respectfully informs,” “Dr. Jones will be at his office on such and such a date,” thereby disassociating the practitioner from the pedestrian task of asking for business. Dr. H.K. Stanford’s 1858 ad, which read that he “tenders his services

289 Thomas Jones Taylor, *The History of Madison County, Alabama with an autobiographical sketch* (Manuscript written in Huntsville between 1800 and 1886), 61.


to the citizens of Perry and the adjoining counties, in the practice of Medicine” was quite common. As was this one by the firm of Drummond & Morse: “Attorneys at Law, Mobile, Will practice in the courts of Mobile and adjoining counties, in the Supreme Court of the State. Office No 54 Royal Street, up stairs.” Advertising that was not as low key and did not separate the practitioner from his practice stood out. In 1841, Selma doctor D. McLean’s notice began, “When the question was asked, can any thing good come out of Nazareth, the answer was come and see” and then the doctor invited readers to come and check out his services for themselves. McLean may have been trying to engage an evangelical segment of the community or maybe was just trying to be clever. In any case the exception proves the point.

Another feature in professional advertising was an emphasis on time and space. At a time when the vast majority of the entire population of Alabama could be termed migratory, it was vital that professionals convey the message that they had settled permanently in their city, town, or village. Most of Alabama’s antebellum professionals experienced a period of itinerancy before finally settling in a permanent location, either in Alabama or elsewhere, and their personal experience shaped the language of their advertising. Correspondence usually drifted into a discussion of settling down somewhere, a topic understandably at the forefront of a young practitioner’s mind in a developing state. Lawyer James Hamm shared his thoughts with a friend on building a legal practice in Gainesville: “My prospects here are by no means flattering,” he wrote in 1846. “I think I shall likely leave my present location next winter and seek a house in south Mississippi or Louisiana.” Itinerancy was especially common among younger

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292 Mobile Daily Register, July 7, 1858.

293 Both ads appeared in the Selma Free Press, April 17, 1841.
professionals. Fresh out of medical school at the University of Louisville in 1848, Robert Kirk wrote, “I laid in a stock of medicine in Tuscaloosa and commenced practicing. I have been patronized very liberally considering that I am a young practitioner and located in a healthy region of country,” however he added that, “I do not expect to remain at this location as this neighborhood is very healthy and thinly settled. I expect to move six miles from the place I am now located.”295 Younger professionals came to Alabama with the understanding that they needed to be flexible and willing to uproot time and again until they found favorable conditions to build a practice and start a new life. Marion Sims wrote to his fiancée, “If I should not find a place in Alabama that I like, I shall direct my course to Mississippi…I shall not only look around for a place of making money, but, if possible, I will locate where there is good society, and consequently there can be social enjoyment.”296

When professionals felt settled, many ran ads in local papers announcing that they were in town permanently. In fact, the use of the word “permanently” is one of the most striking features of antebellum professional advertising. The repetition of this idea suggests an antebellum Alabama readership that felt self-consciously unstable, and the word played into a community’s anxiety over losing its medical or legal community. Doctors Connor and Wilkinson bought an advertisement that announced they “have permanently located themselves in Huntsville,” where they had taken a room “next door to the Democrat office.”297 Mobile resident, dental surgeon L.H. Dorhley “opened an office permanently for the practice of dental

294 James S. Hamm to Edward Birckhead, Papers 1845 to 1892, Edward F. Birckhead Papers 1845 to 1892, Perkins Library, Duke University.

295 Dr. Robert Kirk to M.B. Kirk, June 23, 1848, Robert Kirk Letter 1848, ADAH.

296 Marion Sims to Theresa Sims, November 3, 1835, Sims, The Story of My Life, 371.

297 Huntsville Southern Advocate, October 20, 1848.
surgery.”298 Fellow dentist Dr. A.A. Cary “having located permanently,” in Huntsville, let the community know it with a well-placed ad.299 Finally, Dr. A.F. Pollard “having located permanently in Montgomery, respectfully offers his professional services to the citizens thereof and vicinity.”300 Even after the Civil War had begun, many professionals continued this practice. By this time the practice may have been little more than convention, but it is also possible that the expression of permanence in professionals’ advertisements was reassuring to those readers who remained uncertain about their own future and that of the South.

In contrast to professional careers that brought stable and permanent residence upon which to build successful practices, certain types of professionals were by nature itinerant. For instance, lawyers riding the circuit might use advertising to announce their arrival in town. Some specialists such as surgeons could not possibly stay busy enough remaining in a single town of a thousand or so people. They too would buy space in the local papers of the towns they visited. J. R. Putnam was a “Surgeon Dentist,” something of a boutique practice in the antebellum period. His ad in the Southern Advocate in 1828 announced that he had “arrived in Huntsville, where he will remain two or three weeks for the purpose of pursuing the business of his profession.” While in Huntsville he worked out of lawyer Samuel Peete’s offices, and his advertisement stated, “ladies can be accommodated at his office or at their dwelling.”301

Other types of ads announced permanent moves to other buildings within the same city or town. In 1829, Mobile Dr. Chieusse let the public know that “he has removed from his late

298 Mobile Register and Journal, May 8, 1843.
299 Huntsville Democrat, September 12, 1845.
300 Montgomery Advertiser, December 13, 1859.
301 Southern Advocate (Huntsville), January 18, 1828.
residence in Conception street, to Mrs. George’s in Dauphin street, where he can be consulted at any time.” Dr. Lynch let readers in Montgomery know that he had “removed” his office “to the building formerly occupied by Dr. Albright, a few doors form the corner of Market, on Perry street.” A professional might also use space to announce a change in the status of his practice, as well as a move to a new location. After suffering an illness and preparing to give up his medical practice, Dr. Samuel Holt had a change of heart. He purchased space to announce that he had “determined to resume the practice of Medicine, and have entered into partnership with Dr. Whitten P. Taylor.”

Purchasing an ad in the weekly paper was good business even in a culture that placed high value on character, reputation, and family name. Still there were other compelling reasons for a professional to advertise. A presence in the hometown paper signaled that you were invested in your community. Dr. Fearn ran ads in Huntsville papers throughout the antebellum period. His name appeared frequently in ads that promoted his various pursuits and projects—from his medical practice, to the Indian Creek Canal project, to his presidency of the Huntsville Female Seminary. Upon returning from the Creek Wars in March 1814, Fearn bought an ad in the Madison Gazette that announced, “Dr T. Fearn returns his grateful acknowledgement to his friends for their patronage, and informs them and the public that he may be found at his former residence and at all times prepared to attend to the business of his profession.” His friends already knew he had returned home. Huntsville was a small town in 1814 and his return from the ________________

302 Mobile Register, January 7, 1829.
303 Montgomery Advertiser, December 113, 1859.
304 Montgomery Advertiser, January 16, 1856.
305 Madison Gazette, March 21, 1814.
battlefield, where he served as chief surgeon to Andrew Jackson, would have been known to all. Even at this early date in Fearn’s long career, he was already considered a preeminent physician in town and now he was a war hero. It is unlikely that he needed a newspaper ad to give his medical practice a boost. Yet he bought space, and ran a recurring ad over several months.

By purchasing space, Fearn helped to keep his local paper alive, which meant making his town more inviting. Like local schools, newspapers were recruiting tools that helped draw families to town. Professional practices demanded a healthy base of families in town. With the fluid migration patterns that all the Alabama towns and cities experienced, leaders of municipalities needed to keep recruiting. At first new male recruits contributed to the safety and security of the town, and later, the influx of free citizens meant a healthier local economy. An advertisement in the paper reaffirmed a practitioner’s membership in the local educated elite and the small community of institution builders. On the other hand, professionals did not run coupons, discounts, or promotions. Instead most newspaper advertising done by professionals was what would later be termed image advertising: the repetition of the same ad to keep the professional’s name in front of his community. Professionals used advertising to remind the broader community that they were available to serve day and night. Some ads even made professionals sound like charitable fellows rather than practical businessmen. One typical announcement read: “those who require medical aid, and are too indigent to pay, will be attended without charge.”

Much less frequently, professionals would post the costs of their services to attract new business. Specifically, dentists and dental surgeons were the most likely to post the costs of their services. Dentist A.W. Jones charged $150 for “a full set of incorruptible Teeth, on fine Gold

306 Selma Free Press, October 6, 1838.
Plates, upper and lower,” and $8 to fill a cavity. And for a better bargain, “whole or partial sets on Vulcanite or Amber,” were available “at equally moderate prices.” Besides dental professionals, other practitioners would sometimes advertise the cost of travel. Dr. J.H. Vincent, after permanently relocating to Prattville, used his ad to “prevent any misunderstanding” about the costs of his services. Vincent’s ad declares, “he cannot make professional visits in the village for less than two dollars, in the day, and double charge at night.” Moreover, his rates for travel in the “country” were one dollar per mile for each mile over the first three. Fees for itinerant professionals, such as some surgeons and dental surgeons, were always posted. These fees were relatively high due to a combination of factors. Itinerant professionals had to cover the expenses incurred traveling the state. Also, since specialized itinerant professionals were not integral members of the community they served, they were not expected to provide maximum service at minimum rates.

Competition among professionals grew as certain towns gained reputations for being good places to practice, yet, for the most part, professionals maintained a spirit of collegiality. In 1845 Charles Hentz wrote that, “there are nearly one thousand young men turned out annually” from medical schools across the country, and too “little sickness to divide amongst so many.” In 1844, Dr. Benjamin McKenzie sent a detailed letter to Dr. Thomas Mitchell expressing his concerns about Mitchell trying to establish a medical practice in Talladega. In the letter McKenzie lists and ranks all the lawyers and physicians in town and relates how each is doing: “I have been practicing medicine in the neighborhood nearly four years…It was formerly a good

307 Montgomery Daily Advertiser, April 23, 1861.
308 Autauga Citizen, December 3, 1857.
309 Stowe, Hentz, 17.
location but the country has become more healthy or the physicians more numerous… There are now five physicians in Talladega: Edwards, Faust, Knox, Brothers, and Cunningham. Brothers gets by far the best practice… Edwards very little.’’

Marion Sims, meanwhile, took pride in the quality of the medical professionals in his home city of Montgomery. The city, he noted in his memoir, “always had an able set of medical men. They were talented, and I never saw a town where there was so little bickering and jealousy between doctors. A few valuable and able men at the head of the profession kept the others in the proper line...When head men fall out, the small men follow.” Sims continued “The leading men of the day Drs. Holt, McCloud, Ames, McWhorter and Henry, and all of them were busy, with as much as they could do.” Despite the competition among his professional brothers, Sims seemed contented: “my practice increases daily… and so far I have more than divided the practice with Dr. Lucas, my opponent,” adding that Lucas was “one of the most popular men in Alabama.”

An environment of friendly competition was part of a national professional culture. When professional men traveled on business or pleasure, they often ran into other practitioners and swapped stories about their travails. Doctor Fearn had occasion to travel to New Orleans frequently in the 1830s and 1840s due to his involvement with his cotton commission. On one of these trips, he ran into a doctor friend. Fearn related that he “met Dr. Meux… by accident. He appeared much surprised to see me.”

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310 Benjamin McKenzie to Dr. Thomas Mitchell, September 30, 1844, Benjamin McKenzie Letter 1844, ADAH.

311 Sims, The Story of My Life, 208.

312 Marion Sims to Theresa, December 31, 1835, in Sims, The Story of My Life, 373.

313 Thomas Fearn Journal, January 1, 1835, Thomas Fearn Papers, ADAH.
relocating and taking away some of his business. In fact, even the most ambitious professionals often sounded pessimistic because they had to operate in a competitive environment without openly competing. “My prospects here are by no means flattering,” lawyer James Hamm wrote from Gainesville in 1846, “But I can see nothing better than to remain here for the present and trust my fortunes.” However, the conflicted newcomer added, “from the great number of lawyers already here I confess the chances look bad but I have still some hope.”

How a professional presented himself publicly represented only part of his identity. By looking at professionals as a statistical cohort, it is reasonable to conclude that this community of men had their eyes on each other, and kept up with each other in terms of family size, households, slave ownership and other measures of wealth and status. Statistically, professionals had larger families, bigger homes, and more trappings of wealth. In the city of Huntsville, in 1860, the difference between the average size of a professional family and the average for non-professionals was 6.2 to 4.8 members. Lawyer David Humphrey had an unremarkable professional household in terms of family size: he lived with his wife Margaret and six children between ages three and thirteen. Cumberland Presbyterian Minister William Chadick lived nearby Humphrey with his wife and nine children. Another practicing professional, Dr. Pleasant Robinson, lived with his wife Eliza and their five children, along with his brother, his sister-in-law, and their child. Family size mattered because it advertised to the community that a man had


315 Twenty-five percent of men who listed “lawyer” as their occupation were single. Many of them moved to town to apprentice, men like John McDavid who roomed with another young attorney, Robert Brickell, Jr. Since Huntsville had a large base of practicing attorneys, it was a place to go for apprenticeships. To compile and compare family sizes, I subtracted all single professionals and single merchants from the total, and then divided this number by numbers of families.
the means to care for so many.\textsuperscript{316}

Since children of Alabama professionals did not contribute directly to the household economy in ways children of yeomen or small farmers did, the robust size of professional households served a more indirect function. Oversized families meant that professionals were likely to be more invested over a longer period of time in the growth and well being of the community than were smaller families or individual adults. Lawyer and editor Withers Clay boasted in a letter that his fiancée “is the daughter of a retired lawyer of our town who is in comfortable circumstances…and will have an ample fortune for himself and family (wife, seven daughters and a son!).”\textsuperscript{317} Dr. Fearn had seven daughters to care for. Raising southern belles and polishing them with the best available education was costly and socially conspicuous.

Within professional communities across the state, men with greater wealth had, on average, a greater chance of being married and having a larger family than less prosperous families. By looking at the top one-third wealthiest professionals in the ten largest towns and cities, a pattern becomes clear. Eighty-four percent of the top third was married compared to sixty-three percent of the bottom third at the time of the 1860 U.S. Census. This disparity takes into account factors including widowhood, divorce, or personal choice. The difference in the marriage rate might be accounted for if the average age of the lower wealth group was significantly younger—it is reasonable to imagine young doctors and lawyers waiting to get their practice off the ground before marrying. But the average age of the bottom third earning

\textsuperscript{316} In a Victorian age that experienced shrinking family sizes within an emerging middle class, the size of these professional households were exceptions. See Mary Ryan, \textit{The Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865} (Cambridge: Cambridge University Press, 1981), especially page 248, Table A.4. According to Ryan, the mean household size in Utica, New York in 1860 was 5.1, down from 6.2 in 1820.

\textsuperscript{317} Withers Clay to Henry Lay, June 19, 1846, The Clay Collection, HMCPL.
professionals is thirty-seven, well past an age when most would be married with children. True the higher wealth professionals’ average age is forty-four, seven years older, but this does not necessarily mean that they would have higher marriage rates. At this age many would have lost their spouses, like widowers Thomas Fearn and Samuel Brown.\textsuperscript{318}

Besides their rates of marriage, wealth figures bear out the diversity of the professional community. Of 454 professionals residing in the ten largest towns in Alabama at the time of the Civil War, one-third had total wealth of $3,000 or less. Even at $3,000, this figure represents a person with limited real estate ownership, and probably fewer than five slaves. Therefore 150 out of 454 professionals had the financial resources equivalent to yeoman and small farmers, hardly an economically potent consumer class. Indeed, of the low-end professional earners, sixty-three doctors, lawyers, clergymen and teachers reported no wealth at all. This again would be easier to fathom if wealth were tied to age. A twenty-one year old professional starting a career, like Hentz or Hamm, surely needed time to build a practice and accumulate capital. But the average age of professionals with no assets is 38.79 years, virtually the same as the average age for the entire group of 454, which stood at 40.4 years. Nor was the lack of wealth tied to a particular profession. Teachers and clergy did make less on average, but of those with no assets, medical and legal professionals represented thirty-nine of the total, roughly sixty-two percent. Moreover, nearly one out of every five practicing medical and legal professional had an estate worth $3000 or less.\textsuperscript{319}

At the other end of the scale, the top third estates ranged in value from $23,000 to a lawyer in Tuscaloosa with an estate worth $675,000. In the top third, the average wealth was $79,712,

\textsuperscript{318} The statistical analysis in this section comes from the 1860 U.S. Census.

\textsuperscript{319} Fifty-nine out of 331, or 18.9% of medical and legal professionals had wealth of $3000 or less.
while the median estate was valued at $50,000. Thirty-six high earners were born in the state of
Alabama, and all of these would be forty years of age or less given that Alabama became a state
forty-one years before the census was taken. The vast majority of the remaining high earners
were southerners: twenty-two men were born in South Carolina, twenty-two in Virginia, twenty-
one in Georgia, and fourteen in North Carolina. Apparently as late as 1860 Alabama remained an
attractive place for those who wished to build a future for themselves and their families. Eleven
of the professionals were born in northern states, and three in Ireland.

Places of birth for the wealthiest professionals reveal part of the demographic shift that
occurred among professional men. The younger generation, men who were thirty or less by
1860, were almost all born in the South and the majority of these grew up in Alabama. At the
time of Lincoln’s first election, only six of ninety-six young professionals were born outside the
South. By the time of the Civil War, more professionals came from European countries than
from the North. Lawyer Cleveland Moulton and clergyman Jacob Shifman both came from New
York, while dentist Thomas Shaw came from Ohio, and all three settled in Mobile. Joining them
in the cotton port city were two men from Switzerland, editor Henry Hertz and lawyer Jude
Lewis. The only other young professional in Alabama’s ten largest towns and cities who was not
born in the South was Aldolphus Dreyspring. He was raised in France and taught school in
Montgomery. Still, these few represent a small percentage of the total young professionals,
which meant that the diversity in backgrounds that marked earlier professionals had all but
disappeared.

Given the radical shift in allegiance from the Union to the southern section, the
birthplaces of Alabama’s professionals cannot be overlooked. Nor can other elements of their
identity, including wealth, family size, and residence. Newspaper advertising projected images
that were self-confident, civic-minded, well connected, and caring. Their lives intersected all layers of southern society and the bonds between professionals and their neighbors deepened. They continued to build and maintain the important institutions that allowed Alabama to grow as a state. Finally, and significantly, they became major stakeholders in the state’s most distinctive institution: slavery.
CHAPTER FIVE
Slaveholding Professionals and the Peculiar Institution, 1820-1860

Thomas Fearn turned sixty-one in 1850. For the next decade he continued to lead an active public life, honoring commitments to various commercial ventures, public works projects, and education. He also invested heavily in slavery. By the time of the Civil War, Fearn owned dozens of slaves who worked on his farms and at his Franklin Street home. Like his professional colleagues in antebellum Alabama, Fearn learned through the years that the pathway to riches was not land, which was relatively cheap, but slave ownership. By 1860, Fearn had amassed $128,000 in personal property and $46,000 in real estate. The vast majority of all personal property was slave holdings. The 1859 Madison County Personal Property tax rolls shows that he paid taxes on forty-eight slaves, and of these, fourteen lived and worked at his Huntsville home on Franklin Street.\(^{320}\)

Rather than loosening the bonds of slavery, professionals like Tomas Fearn built communities that accommodated the institution and promoted its perpetuation. From the time professional men first arrived in the Alabama hinterlands, they actively participated in slavery. They debated the many political, social, economic, moral, religious, and ideological questions raised by claiming another human being as property. They helped enact and maintain municipal

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\(^{320}\) U.S. Federal Census 1860; U.S. Federal Census Slave Schedules 1860, Madison County. Personal Property record book, 1859; and Michael Tadman, *Speculators and Slaves: Masters, Traders and Slaves in the Old South* (Madison: The University of Wisconsin Press, 1989). Tadman proves that there was a correlation between cotton production and slaves. During years when cotton boomed, slave acquisition increased, and with higher demand were higher prices.
laws governing the behavior of town slaves that gave urban masters a greater measure of comfort. Professionals also participated heavily in the interstate slave trade, and in the late 1850s many called for resumption of the African slave trade. Antebellum physicians, in particular, forged distinct doctor and patient relationships with slaves that not only protected the patients’ health but the overall well-being of the peculiar institution. In turn, slaves in towns mirrored their professional masters: bondsmen balanced a workload that did not directly involve planting cotton, and had responsibilities changed frequently day to day.321

As might be expected, the relationship between professionals and the institution of slavery was complex. Although slaves represented Fearn’s most valuable asset by the time of the Civil War, his relationship with the institution was nuanced. During earlier periods, he called for the end of slavery in Alabama, and later joined groups that promoted colonization. When studying in Europe back in 1819, Fearn wrote that “the evil” of slavery “is admitted by all.” He argued that emancipation could work in Alabama, that Pennsylvania, Ohio, and the New England states farmed lands without slave labor. He suggested that every descendant of a slave born after a “fixed period” be freed at the age of twenty or even later if “this is thought too oppressive to the holders.”322 When he returned from Europe, Fearn continued to work toward emancipation through the American Colonization Society, and served as one of the vice-presidents in the Huntsville chapter. As a colonizationist, Fearn believed that the most efficient and humane way

321 One of the earliest articulations of the idea that the urban South loosened the bonds of slavery is found in Richard C. Wade, Slavery in the Cities: The South 1820-1860 (New York: Oxford University Press, 1964). See also Claudia Dale Goldin, Urban Slavery in the American South 1820-1860: A Quantitative History (Chicago: The University of Chicago, 1976); Lisa C. Tolbert, Constructing Townscapes: Space and Society in Antebellum Tennessee (Chapel Hill: The University of North Carolina Press, 1999); and Frank Towers, The Urban South and the Coming of the Civil War (Charlottesville: The University of Virginia Press, 2004).

322 Thomas Fearn to Clement Clay, July 29, 1818, Olin King Private Papers.
to end slavery was to export the enslaved population to Africa. This idea resonated with some Southerners who believed that slavery was either intrinsically unjust or economically unviable, but who also did not believe that whites and blacks could live together peacefully in a free society. Fearn joined other prominent Huntsville professionals in this movement, including James G. Birney, a lawyer who later ran for president on the Liberty Party ticket in 1840 and 1844. 323 At other times, too, Fearn’s actions suggested a belief in a different way of ordering the South’s laboring class. When digging Fearn’s canal, for example, he employed both slaves and whites, and paid each the same wage. And yet at the end of his life, Fearn was one of Huntsville’s largest slaveholders.

Slavery, of course, was integral to the development of Alabama. The region was created as a slave territory, and a large number of families traveled to Alabama for the first time with their slaves. In the squatter census for Madison County in 1809, for example, twenty-three percent of the 353 families owned at least one slave. Of these eighty-two slaveholding families, sixty-two had between one and five slaves, eleven had six to ten slaves, and nine had over ten. Two men had seventeen slaves each, a large number to bring to an area that had just opened for white settlement two years before. While we do not know how many of these slaveholders were professionals, we do know that within a year or two the town would be rife with doctors and lawyers, like Thomas Fearn, Clement Clay, and John Williams Walker. In Washington County,

where Harry Toulmin and the Tombigbee settlement were located, the 1811 census reported that 170 out of 430 households, or forty percent, held slaves.\textsuperscript{324}

Individually, many of Alabama’s leading professionals brought slaves into the territory, and others purchased slaves after arriving. Clement Clay, for instance, rode his horse into Huntsville in 1811 with a single slave, but it was not long before he became a wealthy slaveholder. John Williams Walker had many slaves on his farm in Georgia when he moved, Walker entrusted his future brother-in-law Thomas Percy to look after his slaves until he established his new practice.\textsuperscript{325} Though in many cases, it can be hard to determine whether or how many slaves a professional brought with him to Alabama, it is clear that many of them built holdings over time. Judge Harry Toulmin became a large slaveholder in Alabama. By 1820, sixteen years after he arrived, his household included four adult male slaves, one adult female, four children, and he also owned twenty-three slaves that he kept on a separate farm.\textsuperscript{326} There is no record of Thomas Fearn coming to Alabama with or without slaves, however it is likely that the oldest surviving son of a Virginia planter would travel with the service of at least one of the family’s bondsmen.

Moreover, professionals were involved in the slave trade. Many practiced and farmed, and some had established sizeable estates and slaveholdings by 1820. In 1818, for example, Clement Clay purchased two male slaves from neighbors Harrison and Frances Hicks for $1250, and purchased another bondsman just a few months later. According to the bill of sale, one was

\textsuperscript{324} 1809 Squatter Census, Madison County, HMCPL; and 1811 Mississippi Territory Census 1811, ADAH.  
\textsuperscript{325} JWW to James Saunders Walker. April 21, 1809, John Williams Walker Papers, HMCPL; Hugh C. Bailey, \textit{John Williams Walker: A Study in the Political, Social, and Cultural Life of the Old Southwest} (Tuscaloosa; The University of Alabama Press, 1964).  
\textsuperscript{326} 1820 Alabama State Census: Baldwin County.
“a negro man of black complexion, twenty-two or three years old, named George”; the other was
a “negro boy, about seven years old, named Sam.” Clay paid $1,250 for the pair. Three months
later, he purchased yet another slave, this time a twelve-year-old boy named Isaac, for $700. Clay
traded for slaves with other professionals, too. In December 1819 Alabama’s first governor,
William Wyatt Bibb, wrote, “You can tell Davey that the Judge [Clay] will make him a good
master and that he will not be far from his wife.”327 The letter was written two days after
Governor Bibb had been sworn into office. When John Williams Walker was elected as
Alabama’s first Senator, he again left his slave property in the hands of trusted friend Thomas
Percy. “Witness that I have sold Sam and his wife for 1000 in notes,” wrote Percy to Walker.”328

Professionals who were involved in slave transactions accepted the same risks as others
when it came to dealing in human chattel. By midcentury the average life expectancy for whites
was only 39.5 years, and for blacks, just 23.0 years. Needless to say, when Judge Clay bought a
child, he did so with no guarantee that the youth would make it to adulthood, at time when his
labor would be the most valuable.329 In addition, not everyone dealing in slaves was honorable.
John Walker discovered this when a deal with a local farmer proved to be a scam: “I traded with
you as an honest man,” Walker wrote, “and you have practiced on me a base and monstrous
imposition.” He complained, “The negroes I bought of you have arrived and the fellow had no
toes on his feet…Cotton so cunningly stuffed in front for show…To say that I have any longer

327 Bill of Sale dated March 12, 1818 and William Wyatt Bibb to unknown, December 16, 1819,
Clement C. Clay Papers, Perkins Library, Duke University.

328 Thomas Percy to JWW, December 16, 1819, John Williams Walker Papers, Perkins Library,
Duke University.

329 Michael Haines, “Fertility and Mortality in the United States” EH.Net Encyclopedia, edited by
any respect for you would be stating a falsehood…Much as I abhor lawsuits, I shall hold myself bound to expose you before a jury of your country.”

*Caveat emptor* may have guided individual slave purchases, especially if one was not a lawyer or did not have the resources to retain one. But the Alabama Constitution of 1819 authorized laws that protected the institution, and the document showed the influence of its professional authors. The 1819 constitution reads: “The General Assembly shall have no power to pass laws for the emancipation of slaves, without consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money of the slaves so emancipated.” In other words, Alabama’s state constitution reserved the right to free slaves within the state so long as the state reimbursed their masters. The constitution represented a departure from other southern state constitutions in its treatment of slavery. Mississippi’s state constitution, drafted two years prior, only allowed the General Assembly to emancipate a slave in the narrowest circumstances, “where a slave shall have rendered to the State some distinguished service, in which case the owner shall be paid a full equivalent for the slaves so emancipated.” Alabama professionals also added protections for slaves in Article VI Sections 2 and 3. The first guaranteed slaves the right of trial by petit jury, and the second section stated that anyone accused of killing a slave, except in cases of rebellion, would be prosecuted under the same laws as if he had killed a white man. Yet these laws were not really liberal innovations: they protected the slaveholders’ valuable property more than anything else. In towns, professional slave owners could then avail themselves of jails and courts to either protect or reform their slave property.

330 JWW to William Chapley Wellborne, September 20, 1818, John Williams Walker Papers, ADAH.

331 Mississippi State Constitution, 1817.
In the years after the Constitution was signed, the antebellum Alabama professional community had to navigate the treacherous waters of sectional politics and national slavery debates. Along with the rest of the nation, in 1820 Alabama became embroiled in a dispute over the extension of slavery into territories west of the Mississippi, as the U.S. Congress debated whether Missouri should be admitted into the union as a slave state or a free state. Henry Hitchcock, Alabama’s secretary of state at the time, wrote John Williams Walker “that this question is now kept up for the purpose of ascertaining the strength of political sectional power, can no longer be doubted…those however are forgotten when it is considered that the future destiny of the republic is involved in the decision.”

Later in the antebellum period, lawyer James McClung, who was born in Knoxville, was getting messages from his political allies. He received a letter from Washington in the early 1840s, that read, “There is but one subject that forms the pivot on which everything leans—that is slavery. There is a …crusade commenced against us on this question—that threatens us, in my opinion, with more evil than as yet we have ever encountered…It is however high time that southern men should come together and act… to avert the threatened evil.”

Hitchcock eventually owned fifteen or more slaves, but like Fearn, he did so with the reservations of a man who questioned the moral and economic viability of the institution. By the 1830s Hitchcock was deeply involved with the American Colonization Society in Mobile, when he wrote his brother, “My own belief is that in a short time all the sincere abolitionists will join the Colonization Society and aid it and that the immigration then both of Free blacks and

332 Henry Hitchcock to JWW, January 12, 1821, John Williams Walker Papers, ADAH.
333 E.L. Dargan to James McClung, July 12, 1840, Hoole Special Collection, The University of Alabama.
Emancipated slaves will immediately increase very much.” With Hitchcock, Fearn, James Birney, and other professionals, Alabama was well represented in the ACS. Over time colonization in Alabama diverged from similar societies in the north by focusing solely on the state’s free black population. The Alabama State Colonization Society was founded in 1851. The group’s stated goal was to help free blacks find their way to Liberia, which was set up by the American government as a colony for American blacks. But by offering assistance to the state’s worrisome free black population, the society also created a pathway for the manumission of existing slaves by establishing a process where they too could leave the state. The ASCS board was loaded with professional men. Lawyer John J. Ormond of Tuscaloosa was president, and Reverent A.A. Lipscomb of Montgomery was the acting secretary.335

Colonization was an attempt to resolve the larger, longer-term issue of slavery, yet antebellum professionals also needed to worry about slavery in their local communities. Reports of slave insurrections—especially the Denmark Vesey conspiracy in Charleston in 1822 and Nat Turner’s rebellion in the Virginia countryside in 1831—compelled the educated elites to rethink public safety.336 City councils enacted laws and built police forces, which aimed to allay the fears many whites shared about losing control of the slave population. Many of Huntsville’s professionals, for example, supported a range of institutional policies and practices similar to

334 Henry Hitchcock to his brother, December 7, 1836, Henry Hitchcock Papers, Hoole Special Collections, The University of Alabama.

335 http://ia600409.us.archive.org/29/items/constitutionofal00alab/constitutionofal00alab.pdf.

those favored by professionals in other towns and cities across Alabama. They designed new laws that prohibited all slaves and free blacks from frequenting dram houses, or loitering along the edges of town carousing, or in the view of white authorities, misbehaving in some way.\textsuperscript{337} Huntsville first employed a night watchman on January 21, 1833. His duty was “to ring the Bell every night at 10 o’clock and patrol the streets” all night, and any slave who was caught out after dark spent the night in jail and was subject “to fifteen lashes on the bareback,” plus his master would be fined $1.00.\textsuperscript{338} Mayor John Martin, a lawyer, supported by his friend, fellow attorney and alderman John Lewis, tried to slow down the number of slaves coming into town from the country on weekends, a practice that had become fairly common.

Institutional control of town slaves through ordinances and penalties partly explains the elastic nature of the relationship between professionals living in town and their slaves. Slaves worked inside and outside the house, and in general, had greater opportunities to explore the local environs. In fact, in some of the larger cities and towns in antebellum Alabama, slaves lived in communities with other slaves on the outskirts of town. A surplus of slave labor in most towns coupled with the possibility of leasing slaves meant that all urban masters were forced to think about the master/slave relationship in new ways. Having the institutional support of patrols and stiff penalties for wrongdoings, as well as having the community’s commitment to the supervision of its slave population, meant that the masters delegated and shared the burden of overseeing their bondsmen.\textsuperscript{339}

\textsuperscript{337} “The Ordinance Concerning Slaves from the County,” \textit{Huntsville City Minutes 1828-1834}, HMCPL. See also Dupree, \textit{Transformation of the Cotton Frontier}, 215.

\textsuperscript{338} \textit{Huntsville City Council Minutes}, October 10, 1831, January 21, 1833, and January 21, 1833, HMCPL.
Slaves owned by urban professionals were used primarily for domestic chores. Domestic slave labor allowed the free women of the house leisure time to entertain guests, to stay active supporting their spouse’s public careers, to read books and magazines, and to enhance their overall polish. In this way, urban professional slaveholding affirmed the professional community’s commitment to elevate the status of its female members. Juliette Bestor, the sister of Pastor Daniel Bestor, frequently wrote about her brother’s slaves after she moved Alabama in 1833. She approved of “Lavina the cook” but “Patsy [who] does the washing, ironing, makes beds and cleans house—is not a good house servant, is too careless and dirty.” When Huntsville lawyer Septimus Cabaniss sought to buy a slave for his wife, in 1854, he was impressed by “one woman of dark complexion about 30 to 37 years of age that I like for a house woman & washer & ironer,” and also by “a likely mulatto girl about 17 or 18,” who can “sew tolerably, probably as well as Celia.” Without their house slaves, mistresses in professional homes often felt helpless. Mary Jane Chadick, the wife of a local minister, wrote that her slave Corinna was “sick today,” and complained about having “to cook for the entire family, being the only well person on the place who knows how to make a biscuit.” Marion Sims recalled, “We had no planting


340 Septimus Cabaniss to Virginia Cabaniss, May 27, 1855, S.D. Cabaniss Papers, Hoole Special Collections, The University of Alabama.
interests, and the dozen negroes we had were house negroes and town negroes—cooks, waiters, and body-servants only.”

Even though the labor of town slaves greatly benefitted the mistress in a professional household, the onus of disciplining slaves often fell on her as well. “I have very strict rules,” wrote Huntsville lawyer John Lewis’ wife Mary in 1844, about governing her house staff. Her guidelines centered on two chief concerns: her children, and her slaves’ pubic behavior. Mary Lewis was never comfortable with the intimacy her children shared with their slave family. “I am more averse every hour of my life to the nursing of children by slaves,” she wrote. One slave, Susan, became such a concern that Mary felt compelled to dock “her the privilege of influencing my children.” Mary forever tried to stop her children from associating with the two children of another slave, Sally, who lived behind the Lewis house. When the children got together, “neither are better but mine certainly injured”; but when apart, “all behave better.” Mary could only lament the “utter impracticability of making them contented with their condition as slaves, for the more improved they are…the more glaringly laborious and wrong does slavery seem to them and had I a thousand I would never wish to hand one to my children.”

Mary Lewis’s experience shows that despite municipal institutional support, much energy was expended within professional homes to control the slave population.

Slaves would also serve their professional masters outside the home. According to Juliette Bestor, slave Sandy made “bargains” for her brother. The fact that Daniel Bestor and his sister lived in a town among merchants and shop owners gave his slaves opportunities to interact

341 Mary Jane Chadick Diary, August 29, 1862 in Nancy Rohr, Incidents of War: The Civil War Diary of Mary Jane Chadick (Huntsville, 2005).

342 Sims, The Story of My Life, 265.

343 Mary Lewis to daughter Mary, Undated, 1844; and April 27, 1843, in Rohr, Alabama School Girl.
with whites in ways that would not be available on plantations. Sometimes professionals hired out their slaves to work on roads, railroads, bridges or depots, or other elements of an evolving public infrastructure. Occasionally, more skilled bondsmen were allowed to practice a trade and to keep a percentage of the money they earned, meaning that a professional man could create new revenue streams by encouraging the independent work of certain slaves. Charles Lanman, an English travel writer who passed through Alabama in 1855 described a typical situation: “an expert blacksmith… earns annually one thousand dollars, three hundred of which are given to his master.” Duties varied, and, because of municipal institutional controls, slaves moved fairly seamlessly through towns and cities, doing different types of work from day to day. In this respect, an urban slave mirrored his urban professional master, who also juggled multiple, shifting responsibilities.

Most important, though, urban professionals found slaveholding a good financial bet. The wealth that slaveholding created helped professionals offer maximum service for minimum fees. As slave ownership increased a master’s personal wealth, it lessened the burden on his professional practices. Pastor Daniel Bestor, who believed that clergy should not make a living off their flock, certainly supported the notion that owning slaves was one way to continue to

344 Mary Morgan Ward Glass, ed., *Connecticut Yankee in Alabama, Juliette Bestor Coleman, 1833-1850* (Published by the National Society of Colonial Dames of America in the State of Alabama), 27, 23.


build a church without over-stressing his congregants. According to his sister, in 1833 he had enough spare cash to buy “the wife and family of Sandy his best servant, for which he gave $2000.” (Juliette does not mention that her brother had apparently separated Sandy from his family to begin with by purchasing him without his family). Juliette also noted that slavery was a good investment and told her family that, ”the value of negroes is far beyond what I had an idea of.” Her brother had “three men worth $700 apiece & several servants worth 5 or 600 dols. Had he a farm, which he intends to have, he would soon get rich.”347 Bestor’s time would come: by 1850, he owned a farm and thirty-six slaves.348

Even though not all professionals ended up owning plantations like Bestor and Fearn, when looked at as a statistical cohort, by 1860, professionals in towns and cities in antebellum Alabama owned more slaves per capita than their non-professional neighbors. Likewise, professionals who owned slaves were more likely to own in excess of twenty slaves than were non-professional slaveholders. In 1860 nearly thirty-five percent of all free families in the state owned slaves, but the percentage held by slaveholding professional families in the ten largest cities and towns was well over fifty percent. In Montgomery slaveholders headed sixty-one percent of professional homes. In Tuscaloosa, the percentage was sixty-four. Whereas eighteen percent of all slaveholders in Alabama owned twenty or more slaves, in Montgomery twenty-three percent of slaveholding professionals did, and in Tuscaloosa the figure was thirty-three.349

347 Glass, Connecticut Yankee in Early Alabama, 27.

348 1850 U.S. Census.

349 Slaveholding families were almost entirely white families, but there were cases of emancipated or free blacks purchasing slaves. In infrequent but by no means rare situations, emancipated blacks could purchase family or relatives from a white master thereby offering their kin a measure of protection. See Larry Koger, Black Slaveowners: Free Black Slave Masters (Jefferson, N.C.: McFarland, 1985); and Ira Berlin, Slaves Without Masters, 272-275.
The number of slaveholding professionals does not include many who self-declared an alternate occupation by 1860, like Thomas Fearn or Henry Watson. Therefore, in all likelihood, the percentages of both slave ownership and planter designation were much higher.

Over time, the opportunities to purchase slaves increased. As towns and cities emerged across Alabama, the slave population increased as well. In fact, it rose at a faster rate than the free population. The first set of charts show the slave population in Alabama between 1820 and 1860. In 1820, Alabama’s slave population represented 33.19 percent of the total population of 127,901. By 1850, the percentage increased to 44.74; ten years later the state claimed over 435,000 slaves, which represented over 45 percent of the total population. While the growth rate for the free and the slave populations were slowing down by the time of the Civil War, Alabama was still growing at a healthy rate and its slave population was growing even faster than the white population.

**TABLE 5**

Total Free population of Alabama 1820 to 1860

<table>
<thead>
<tr>
<th>Year</th>
<th>Free Population</th>
<th>Slave Population</th>
<th>Percent Slave to Free</th>
</tr>
</thead>
<tbody>
<tr>
<td>1820</td>
<td>127,901</td>
<td>41,879</td>
<td>33.19</td>
</tr>
<tr>
<td>1830</td>
<td>300,527</td>
<td>117,549</td>
<td>38.48</td>
</tr>
<tr>
<td>1840</td>
<td>590,756</td>
<td>253,542</td>
<td>43.26</td>
</tr>
<tr>
<td>1850</td>
<td>771,623</td>
<td>342,844</td>
<td>44.73</td>
</tr>
<tr>
<td>1860</td>
<td>964,201</td>
<td>435,080</td>
<td>45.12</td>
</tr>
</tbody>
</table>

Culled from http://mapserver.lib.virginia.edu/index.html
At the same time, these statistics also demonstrate that nearly four out of ten professionals in the state’s largest urban areas were not slaveholders. This is a further reminder of the diverse composition of the professional community. In Fearn’s Huntsville, which maintained healthy numbers of professionals throughout the antebellum period, twenty-six professionals, or almost one-third of all professionals in the city, did not own a single slave in 1860. Of the twenty-six, some came from traditionally less lucrative occupations: six out of eight clergymen were not slave owners, for example. On the other hand twenty-five percent of the lawyers (six out of twenty-four) and over thirty percent of the doctors (five out of sixteen) had no slaves. Most towns and cities in Alabama had distributions similar to Huntsville, where anywhere from a quarter to nearly half of its professional heads of households did not own at least one slave. ³⁵¹

In many ways, slavery was a unique benefit to the professional community. Medical professionals, for example, found a reservoir of ready patients among the enslaved. The relationships doctors formed with slave patients reinforced their own professional status in the community, and spoke to the social relations between urban master and slave. The relationship between slave patient and physician deserves particular scrutiny because caring for the black population was central to the career of most antebellum Alabama doctors. The physical well being of slaves was vital to Alabama’s economy. Indeed in all probability there were more black patients than white patients in Alabama during the days of slavery.³⁵² Poorer whites who lived in

³⁵¹ 1860 U.S. Census.

the country generally did not have access to a doctor, but most slaves were owned by a master who had access to care, and were motivated to seek it when their “property” was unwell. As a patient pool, therefore, slaves helped increase the revenues of a practice. For beginning physicians or struggling ones, the ability to tend to the neighbors’ slaves could often mean the difference between a practice either succeeding or failing to thrive. Further, caring for slave patients allowed professionals to hone their diagnostic abilities and surgical skills, and to expand their acumen in disease treatment.

Treating slaves had been an integral component of a southern medical practice from the beginning of the antebellum period. In 1812 Thomas Fearn arranged to care for two slaves owned by Thomas Brandon for a charge of twenty dollars, and the doctor noted that he “looked to be paid when they are cured.”353 In Fearn’s retirement, he kept his skills sharp by doctoring his many slaves. On one occasion in 1855, Fearn told his daughter that he feared there was an outbreak of typhoid of one of his farms. “I have a very sick Negro at the plantation who I am going to see this morning.” 354 Marion Sims described mounting his pony and riding “to a plantation to see sick negroes.”355

For physicians, encounters with slave patients brought out a range of feelings. For some, these appointments were invigorating and scientifically productive. For others, the treatment of

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353 Thomas Fearn Medical Book 1811-1812, HMCPL.

354 Fearn to Maria Garth, July 31, 1855, Olin King Private Papers.

slaves could be emotional and draining. Recent medical school graduate Charles Hentz wrote in his journal that in January 1849 that he “physicked a sick baby of Betsy’s.” Betsy was a slave of a family friend. After three days of care, Hentz wrote “Betsy’s baby had convulsions before supper, unexpected—I thot twas beginning to improve—and so twas apparently it commenced sinking almost immediately after and died ½ after 10.” Hentz took the loss of the patient hard and lamented: “I felt deep emotions of sadness upon losing this little patient…how weighty the responsibilities connected with the practice of medicine. I often feel like envying…the man whose calling enables him pleasantly & respectably to earn his bread, without care of responsibility to weigh upon his soul.”\(^\text{356}\) Not all doctors expressed such sense of loss when it came to the death of slave patients. In a similar circumstance, Marion Sims attended to a dying slave child suffering from “trismus nascentium, or lock-jaw.” Sims only agreed to look at the child “as a study,” but added, “I can do nothing for it at all.” He described the dying child’s condition this way: “The legs and arms were as stiff as a poker, and the whole body was rigid…and every few minutes there would be spasms.” Sims took the infant’s vital statistics, made notes, and sat with the baby as it died. The next day, he and another physician performed a post-mortem.\(^\text{357}\) For Sims, his notes indicate that the opportunity to advance scientific study obscured the tragedy of the suffering, dying infant.

Sims, however, became best known for his work in the field of gynecology, not pediatrics, and he owed this reputation to his treatment of slaves in Montgomery. In the 1840s, he famously developed a procedure to correct vesico-vaginal fistulae (VVF), a common

\(^\text{356}\) Stowe, Hentz, 224-232.

\(^\text{357}\) Sims, The Story of My Life, 222,223; Stephen C. Kenny, “‘I can do the child no good’: Dr. Sims and the Enslaved Infants of Montgomery, Alabama,” Social History of Medicine 20 (207), 222-241.
affliction among mothers in nineteenth-century America, and one that is prevalent today in underdeveloped countries around the world. VVF results from tears that occur during childbirth, and causes permanent loss of bladder control. In antebellum Alabama, the symptoms of VVF were especially brutal and humiliating for field hands or house servants. One day in Montgomery, a planter friend of Sims asked the doctor if he would treat a slave woman named Lucy, aged “about eighteen” who had given birth two months before and since then “had been unable to hold water.” Sims at first refused to treat Lucy because at the time there was no known cure. But his friend persisted and eventually Sims came up with a method for treating the condition. After several attempts to repair the tear, Lucy’s fistula was apparently closed. Sims went on to perfect his technique and teach it to other physicians.

Sims’s successful treatment of Lucy’s VVF was a dramatic moment in medical history, but is also a reminder that the doctor and the slave patient was a coercive arrangement, whether the doctor owned the patient or not. In Sims’s many writings about the VVF case, the only thing we hear from Lucy is that her “agony was extreme.” With no anesthesia available there is no doubt the pain would be unbearable. But did Lucy ever consent to the surgery? Lucy’s status as a slave (and perhaps also as a female) meant that someone else made this decision about her body. Nor do we know other details about the procedure: whether Lucy shouted, cried, or pleaded with Sims to stop during the painful procedure. We also do not know what it felt like to be an eighteen

358 Sims, The Story of My Life, 229.


360 Sims, The Story of My Life, 238.
year-old Alabama slave girl lying exposed on a table while being observed not only by Sims but also by several other white male doctors. We do not know the answer to these questions because Sims did not record it, and Lucy, who probably could neither read nor write, lacks an historical voice.

Still, Sims’s care of Lucy shows how physician services were essential to slaveholders, and how doctors capitalized on this demand to build practices and improve their skills. To characterize the treatment of Lucy as a type of reckless medical experimentation is misleading, if not entirely wrong. Sims performed experimental surgeries, but it is doubtful he put his patients at risk of losing their lives simply to prove a medical theory. Slaves were much too valuable and having a record of losing patients, of any skin color, would not inspire confidence from the community. 361 Rather than experimenting with Lucy, Sims had prepared an eight-bed hospital for slaves in the corner of his yard in Montgomery. This way he could monitor Lucy and his other patients’ progress. Sims also invested in his slave patients by hiring them for a time to serve as nurses once their own convalescence ended. When Lucy became healthy she returned to her plantation. No one knows the rest of her story, but based on Sims’s notes, it is likely that she would have been able to bear children in the future. Sims’s planter friend surely saw resurrecting Lucy’s reproductive capacity as an achievement of the highest order.362

361 For medical licensure in Alabama, see Holley, A History of Medicine in Alabama, 76.

During the antebellum period, other physicians built treatment facilities for slaves either in town or in places strategically located between farm districts and towns. By the 1850s, facilities for the treatment of slaves were springing up throughout Alabama. In 1855, doctor T. R. Hill in Montgomery advertised “an infirmary for the reception and treatment of patients White or Black afflicted with acute or chronic diseases, or requiring surgical operations.” Competing for black patients also served the greater good of the community: treating over forty percent of the population helped abate enormous public health risks. Sickness in urban areas required swift response in order to avert the possibility of an epidemic. Whites and blacks often slept under the same roof, or if not, generally comingled indoors at higher rate than in the countryside, so sickness in towns could spread more easily. Many doctors recognized that urban living conditions created an opportunity in caring for the slave population and began actively seeking black patients.

By the last decade of the antebellum period, medical professionals placed dozens of ads promoting their new facilities to treat slaves. “Treatment of Negroes,” was the headline for one such two-column ad that ran in Montgomery’s Southern Shield on October 23, 1851. In the advertisement, Dr. William Flake announced that he is “pleased with the success of the experiment with my INFIRMARY” for the care of slaves, and he decided to build “a permanent establishment [that] will be a matter of convenience to my friends and profitable to myself.” The infirmary was advantageously located “at least a mile removed from the river,” and a point accessible to both the countryside and the nearby town of Eufala.

363 The Southern Times (Montgomery), June 23, 1855.

Although treatment facilities for slaves were on the rise, urban professionals continued to make direct calls to plantations and farms. Some exchanges between Huntsville lawyer Septimus Cabaniss and his overseer, Preston Brown, cover a range of concerns over slave health care. Cabaniss lived in town but became the executor of a large estate when a wealthy client died.\textsuperscript{366} By the late 1850s, Cabaniss was in constant communication with the overseer of the estate. In one letter, Brown writes, “The boy Emanuel is no better, and unless something is done for him, he will not do me any good this year. The girl Nancy is yet confined with hemorrhage of the stomach, and promises but little service this year…In addition to the loss of help, the girl Margaret will be confined in the midst of crop time. This will reduce the number of my hands to 20. You see I shall have plenty to do.”\textsuperscript{367} With each case, Cabaniss was forced to send a physician from town to the plantation.

Despite the fact that antebellum Alabama slaves had, in many instances, better access to medical care than significant portions of the white population, the benefits should not be overstated. The mortality rate for slaves remained approximately fifty percent higher than for whites.\textsuperscript{368} The numbers suggest that Alabama physicians may have fallen short of raising the standard of care for blacks even though doctors were morally and economically invested. Yet the state’s slave population rose faster than its white population. This fact has a connection to the migration patterns of the white population. While folks from the east coast continued to find

\textsuperscript{365} Southern Shield (Autauga), October 23, 1851.

\textsuperscript{366} Roberts, The Great Bend and Madison County, 1956.

\textsuperscript{367} Preston Brown to Septimus Cabaniss, April 3, 1858, S.D. Cabaniss Papers, Hoole Special Collections, The University of Alabama.

\textsuperscript{368} Statewide in 1850 there were 12,265 live white births compared to 4,441 white deaths, a rate of three to one. Among slaves, there were 8,110 births and 4,002 deaths, which represented a ratio of only two live births for each death.
homes in Alabama, many in Alabama moved away, mostly west to Mississippi, Louisiana, Texas, and the newly created territories and states carved out of the Louisiana Purchase and the successful war against Mexico. When white slaveholding families moved they often took only a few of their slaves with them, leaving the others back in Alabama.  

Migration, however, is only a partial explanation for the disproportionate rise in black population in the antebellum period. Alabama professionals also actively participated in the interstate slave trade. Slaves arrived in Alabama by the thousands through the nefarious trade. Reports of auctions and separate negotiations for slave purchases and sales were a common feature in professionals’ correspondence. Alabama was a slave society and trading in human chattel was there from the moment professionals first started building local and state institutions. Over time, the geography of Alabama placed it in a key position, a midway point between slave exporting states on the east coast and the large slave markets in New Orleans. Slave coffles passed through the state with some regularity and traders often stopped in Alabama towns and cities. “The village was crowded today for the purpose of selling negroes,” wrote Henry Watson from Tuscaloosa in 1831. “They sell them for 700 or 800 dolls. And hire at about 100 or 125 per


an. In Carolina they sell for 300 or 250, consequently this is good speculation.”

At the time Septimus Cabaniss was getting letters from Preston Brown about being short of hands due to sickness and pregnancy, the lawyer was also trying to sell off a large number of slaves for the estate he was liquidating. Cabaniss noted, “I see in the Memphis Eagle and Enquirer that you have advertised to sell among other things about 150 likely negroes on the 30th of December at Huntsville, Alabama in a credit of 12 months from the day of sale with interest and …at least two securities will be required of the purchaser.”

Nothing drew the ire of northern abolitionists more than the business of trafficking slaves. And nothing created a political wedge between the South and the North more than the loud cries for reopening the African Slave Trade. Many Alabama professionals were central figures in the debate over the trade in the late 1850s. Importing slaves into the country was technically banned under the Constitution by 1808, but many disputed its authority to do so. Alabama professionals who wished to change the federal law got a chance to voice their opinion on May 10, 1858, when the Southern Commercial Convention was held in Montgomery. The gathering drew 710 delegates from around the South.

The star of the Southern Commercial Convention was William Lowndes Yancey, Alabama lawyer, newspaper editor, planter, and fire-eater. “The system of slavery is founded on upon high and immutable laws,” he reminded his slaveholding audience. And “if slavery is right,

371 January 1, 1831, Henry Watson Journal, ADAH.

372 J.S. Bailey to S.D. Cabaniss, November 15, 1858, S.D. Cabaniss Papers, Hoole Special Collections, The University of Alabama.

per se, if it is right to raise slaves for sale, does it not appear that it is right to import them?" Yancey’s three-day rant put him at odds with some at the convention. His professional colleagues from the slave exporting east coast believed that the resumption of the African slave trade would drive down the values of land and slaves, a position that many Alabama professionals also held. The dispute in Montgomery over the African Slave Trade proved to be a harbinger of things to come as the interests of the Upper South and the Deep South were often in conflict during the Civil War. Federal laws affecting the African slave trade were never repealed, but the increasing density of the slave population through natural growth and the interstate slave trade reflected the growth of the institution-building professional community and its commitment to making towns and cities more livable. More slaves necessitated more reliable institutions that focused on community safety. Patrols and policing increased, jails expanded, courtrooms accommodated the bulge in population of both blacks and whites.

In the end, institution-building professionals were engaged in all aspects of slavery, and because they were community leaders, could amplify the various ideologies of the slave-based society. Nott with his scientific racial theories, and Yancey with his states’ rights manifestos were particularly powerful spokesmen for the views of many in the state. As the 1850s

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374 Walthers, William Lowndes Yancey, 217.

375 Letter to the Montgomery Advertiser, June 11, 1859, W. L. Yancey Papers, ADAH; and Walther, 217. The spokesperson for Virginia was Roger Pryor, a lawyer and editor.

progressed, the business of slavery in Alabama was lucrative and growing. By the end of the decade, the per capita wealth of all Alabamians exceeded that of every state in the North. Out of a host of possible reasons why professionals embraced slavery, this single fact resonates the loudest. That slavery as an economic system was working for the people who were making decisions was a primary reason that professionals lacked the urgency to push for greater economic diversity and different forms of social relations.\textsuperscript{377} Then came the election of Abraham Lincoln. Then came South Carolina’s secession from the United States. When, in early 1861, it became time for the state of Alabama to decide its future, the majority of professionals supported maintaining the status quo, either by seceding or by working with the Union.

\textsuperscript{377} See Frank Towers, \textit{The Urban South}. 
EPILOGUE

Alabama Professionals and the Civil War: A Return to Hinterlands

It took the Alabama professional community decades to build the institutions that helped towns and cities offer safety and modern conveniences to its growing population. It took the Civil War just a few short years to destroy those institutions. In doing so, the war disrupted the antebellum patterns of institutional control, and returned Alabama to a martial state not entirely unlike the days when Ephraim Kirby and Harry Toulmin worked in concert with federal officers in rustic forts on the southern border. The war also altered the role of educated elites, and changed what it meant to be a professional.

In retrospect, it all happened quickly. Indeed, up until the first guns were fired on Fort Sumter, many professionals still held out hope for a brighter and more glorious future. In January 1861, the leading professionals gathered again at Alabama’s second Constitutional Convention to determine the course for the state’s future. Like the first convention, this one was very much a professional affair. The majority of the 100 delegates came from the professional community, and professional men dominated floor debates. On January 7, delegates met in Montgomery to address the process of the state’s secession. Of these, eighty-eight names were found in the two prior federal censuses, of which fifty-one declared some profession as an occupation. Naturally lawyers, who had the expertise to review and write a constitution, led the group at thirty-seven,
followed by ministers and physicians with six delegates apiece. Two teachers from Blount County rounded out the number of professionals.\textsuperscript{378}

TABLE 6  Professionals at the 1861 Alabama State Constitutional Convention\textsuperscript{379}

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Delegates</td>
<td>100</td>
</tr>
<tr>
<td>Total Confirmed Occupations</td>
<td>88</td>
</tr>
<tr>
<td>Lawyers</td>
<td>37</td>
</tr>
<tr>
<td>Clergy</td>
<td>6</td>
</tr>
<tr>
<td>Doctor</td>
<td>6</td>
</tr>
<tr>
<td>Teacher</td>
<td>2</td>
</tr>
</tbody>
</table>

By the time the convention met, South Carolina had already seceded. The Alabama delegates first discussed whether to secede from the Union immediately, or whether to coordinate with other southern states and go out at the same time; but they also debated reopening the African slave trade, and the language of the new constitution. After the convention opened with a prayer led by former University of Alabama president Basil Manly, William L. Yancey and lawyer William R. Smith of Tuscaloosa set the tone of the gathering. From the beginning, Yancey made his interests clear: “I, for one, have no desire to conciliate persons,”

\textsuperscript{378} By looking at two census results, 1850 and 1860, the number of professionals at the convention increases by ten, or 24.3 %. My belief is that further research on the remaining “non-professional” delegates would yield more professional occupations from those at the convention who had either retired from a practice or had now considered farming or business to be their primarily calling.

\textsuperscript{379} Taken from William R. Smith, \textit{The History and Debates of the Convention of the People of Alabama} (Originally Published 1861. Reprinted by The Reprint Company Publishers, Spartanburg, S.C., 1975).
who would oppose secession, “I wish here, and elsewhere, to antagonize them.” Yancey could certainly provoke and at one point a large number of delegates nearly walked out. “Considerable apprehension prevails lest the North Alabama delegation should secede from the Convention,” one observer noted, but added, “I do not think they will.”

In response to Yancey’s fire-eating rhetoric, Smith’s oration recalled the hinterlands days when the idea of social order and control was the central aim of the professional community. “I deprecate the idea of intimating to the people, even remotely,” uttered Smith, “that the laws ought not be respected.” Smith was not alone in feeling this way. Newspapers across the state commented about whether Alabama should secede immediately, or in concert with other states. Few papers by now held out for the possibility of staying in the Union. From Smith’s perspective “the popular majority of the state is represented here as a minority,” suggesting that most Alabamians wished to proceed on the matter more cautiously. Whether or not that was true, the Yanceyite faction at the convention outnumbered those who held out for cooperation with their southern neighbor states by a count of fifty-four to forty-six. Alabama voted to secede, and the next month Montgomery would play host to the Confederate Convention.

Across the state, many professionals favored secession, and for the most part, they did so not with a sense of failure, but with a sense of hope. Dr. James Francis of Jacksonville

381 William Henry Mitchell to his wife, January 10, 1861, William Henry Mitchell Papers 1840-1870, ADAH.
383 The assertion that some Alabama professionals were optimistic about the future at the moment of secession goes against the recent scholarship of Jonathan Wells. See, Wells, “The Southern Middle Class,” The Journal of Southern History LXXV (August 2009), 651-662. Wells
supported withdrawing from the Union early on. In December 1860, he wrote enthusiastically to his son that, “We have had several large meetings recently in this place on the subject of secession. I never saw such unanimity in my life as there is in this county for secession.”

Likewise other professionals used their position in the community to advance the cause of disunion. After the convention, Florence Presbyterian minister and lawyer William Henry Mitchell frequently used the power of the pulpit to support the South’s cause. In fact, in 1862 Mitchell was arrested for praying for the success of the Confederate States of America and sent to a military prison in Alton, Illinois for six months.

In truth, very few professionals from around the state actively resisted Alabama’s decision to leave the Union. In the misguided hope of salvaging his professional career over the long haul, Dr. Thomas Haughey proved an exception. Haughey graduated from New Orleans Medical School in 1858 then moved to Alabama to open a practice. “I never took an active part in politics until 1860,” he wrote, “and then took the stump and opposed secession with all the ability I possessed.” His unionism proved fatal to his practice. “When Alabama seceded my patients ceased to patronize me and began to persecute me.” The pressure from his neighbors forced Haughey to flee his home and family in August 1862. The exiled doctor found safety by riding “one hundred miles on horseback before I could reach federal lines.” Once behind Union lines, Haughey became a surgeon for their army.

places urban professionals firmly in the southern middle class, and writes, “Thus, the southern middle class entered the Civil War with a sense of failure; they had been unable to convince their states to work though their crisis peacefully,” 459.

384 James Francis to son James, December 11, 1860, Francis-Martin Papers, ADAH.

385 Biographical information found in William Henry Mitchell Papers, 1840-1870, ADAH.

386 Thomas Haughey to Charles Lanman, August 14, 1868, Charles Lanman Papers, Hoole Special Collections, The University of Alabama.
Younger sons of professionals seemed more eager to support the crusade for southern rights, perhaps harboring fantasies about the glory of battlefield victories. Yet even their enthusiasm for the Confederate cause took time to develop, due not so much to concerns about the merits of the struggle, for which there was much unanimity, but because many sons were away at school or busy preparing for their own professional careers. John Francis, for instance, was the twenty year-old son of Jacksonville secessionist Dr. James Francis. In 1860, John was a student at Florence Wesleyan University. On the day of Lincoln’s election he did not appear to be particularly agitated as he wrote a lengthy letter to his sister describing construction of a new bridge spanning the Tennessee River near Florence. Over the next two months, the war preparation in town only gradually attracted his attention. On November 23, he wrote, “There is no news of importance in Florence. They have formed a military company here since they heard of the election of Lincoln. There are more disunionists here now than there were before the election.” A month later John noted that, “The citizens were so rejoiced at the secession of South Carolina that part of them bought two or three barrels of tar (as they had no pine) and rolled them out on the square and set them on fire.” But there was still no sense of urgency in his letters. “ I know of nothing special to write,” he added. It was not until the middle of January, and after the Alabama secession convention that the young man finally appeared to grasp the gravity of the impending crisis. “There is a great deal of excitement,” he wrote, “The military companies are drilling regularly and are preparing themselves for action if they are needed. I think I will join them so as to be prepared if I am needed.” He joined the Confederate army a few weeks later. By February 10, John was in Fort Morgan, penciling letters from “The Republic of Alabama.”

387 John Martin to Emma Martin, November 2, November 23, December 23, 1860, January 19 and February 10, 1861, Francis-Martin Papers, ADAH.
Thomas Fearn did not attend the state convention but his presence was felt there and the next month at the confederate convention where he served as a delegate from northern Alabama. After the Confederate Constitution was drawn and signed, Allan C. Beard of Marshall County summed up Fearn’s contributions saying that, “Thomas Fearn has played a conspicuous and influential part in its preparation and adoption [of the 1861 Alabama Constitution]. No man in the State of Alabama could have brought more aid to the Southern Confederacy, more power to allay the excitement, to overcome preexisting prejudices in the minds of the people of North Alabama, than he did.”

Fearn did not come around to disunion easily, though. Months earlier he was incredulous that his professional colleagues would “precipitate a revolution on account of the Constitutional election of a President.” After Lincoln was elected, Fearn remarked, “If secession is the true doctrine, and any one state can go out of the union whenever she may be dissatisfied, then there is no cement to bind any two states together.” Dr. Fearn was less optimistic about the future than many of his colleagues. For someone like Fearn, who was born the year the United States Constitution was ratified, talk about ending the American experiment was depressing and foreboding. He referred to the crisis between the North and the South as, “the beginning of the end.” What changed Fearn’s mind is hard to say. But like Robert E. Lee, who had his own reservations about war based on his long-standing commitment to the Union, Fearn opted to side with his home and state, over any obligation to support the federal government.


389 Thomas Fearn to Maria Garth, November 25, 1860, Olin King Private Papers.
The war devastated Fearn and his family, and brought ruin to the professional community in Huntsville and across the state. The war tore apart the fabric of the antebellum slave society that professional institution-builders had labored to create. Local communities lost the professional services of their doctors, lawyers, ministers, and teachers. With their leaders and much of the male population away at war, Alabama towns became vulnerable to occupation by Union troops. Meanwhile, the railroads and highways were often inaccessible and immigration of new families from other states had stopped cold. Moreover, the fundamental right to widely participatory education, a right that the professional community trumpeted but did not always deliver, was compromised as local schools shut down for long periods of time. Churches closed, libraries shut their doors, and public records stored in courthouses disappeared, sometimes mysteriously, sometimes not. The state medical school in Mobile and law school in Montgomery were closed. For professionals with commercial interests, the news was equally bleak. Banks shut their doors, bank notes became worthless, and complex networks of suppliers and vendors were forever altered. As the war progressed, post offices could no longer offer reliable mail service, and what remained of the articulate professional community felt isolated from the wider world.

Slavery, the peculiar institution that nourished the agricultural state, weakened as the war progressed. Once the institutional support found in urban areas vanished, professionals simply could no longer hold on to slaves who were determined to leave. After leaving his post as Confederate Secretary of War for the CSA, Leroy Pope Walker tried to flee Union forces and take his many slaves with him. “Pope Walker ran off with his family and house servants,” Fearn wrote in April 1862, “but we hear that they all deserted him in Triana,” which was less than ten

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miles from the Walker home. And, “A number of his plantation negroes ran away.”\footnote{391} Across Alabama, slaves witnessed the transformation around them. In stories repeated throughout the South, many slaves ran to Union troops, and others departed hoping to find better lives elsewhere. Still, not all of Alabama slaves left their antebellum professional master’s home. As late as 1863, Fearn’s records indicate that he owned 59 slaves, which were unrealistically valued at $40,600, ranging from $1350 for a fourteen year old boy to $100 for a slave named Bird.\footnote{392}

As Alabama became fully engaged in the Confederate cause, the state’s professionals played central roles in the politics and the prosecution of the war effort. As mentioned, Leroy Pope Walker, a successful lawyer as well as the son of the 1819 Constitutional Convention president John Williams Walker, was appointed Secretary of War. Clement C. Clay, Jr. served in the first Confederate Senate. As the war progressed, others like Cullen Battle, Yanceyite lawyer and brother-in-law to Alabama Governor John Gill Shorter, served as officers in the Confederate Army.

The Civil War offered both change and continuity for the brotherhood of professional men. Tragically, many Alabama professionals joined over 700,000 Americans who died fighting the war.\footnote{393} Other degreed and licensed men died at home during the war years. Those who survived by and large returned to the state and achieved various degrees of success by relying on their professional training, experience, and status in the community.\footnote{394} Huntsville lawyer

\footnote{391} April 4, 1862, Olin King Private Papers.

\footnote{392} Thomas Fearn Papers. 1863 Inventory, ADAH.

\footnote{393} Recent revisions in the number of Civil War dead have pushed the number up from 618,00 to over 700,000. See David J. Hacker, “A Census-Based Count of the Civil War Dead,” Civil War History (December 2011).
Septimus Cabaniss had been arrested during the war for serving as a conscription official, but President Andrew Johnson pardoned him in 1866. Cabaniss went back to practicing law and re-building his family’s estate with new ventures. Two professionals parlayed their talents and reputations to play important roles in reforming education. Dr. Noah Cloud, who published *The American Cotton Planter*, became the state’s superintendent of public instruction after the war.

Before the war Lawyer Nathaniel H.R. Dawson, of Selma, owned seventy slaves, a plantation, and was president of the Selman Gas Light Company. After Appomattox, Dawson regrouped and went on to sit on the board of trustees for the University of Alabama, and was later named Commissioner of Education by Grover Cleveland.

For Henry Watson, the Connecticut transplant, the war exposed feelings of mixed loyalties. Despite northern roots, Watson had become extremely successful as a southerner. In 1854 he owned 101 slaves and over 2000 acres of cotton fields. That same year he founded and became the principal backer of a bank called the Planters Insurance Company. But Watson was no secessionist. He believed that Alabama should stay in the Union and became frustrated with the fiery rhetoric of younger state legislators who no longer believed reconciliation with the North was possible. In 1861 Watson and his family left for Europe, staying for a short while in

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394 For more exploration on the role of professionals in the creation of a New South see Gail Williams O’Brien, *The Legal Fraternity and the Making of the New South Community, 1848—1882* (Athens, University of Georgia Press, 1986); Kvach, “The First New South.”

395 A copy of his pardon can be found in the S.D. Cabaniss Papers, Hoole Special Collections, The University of Alabama.


Germany before riding out the war in France. After the war he returned to Greensboro, but was no longer happy there. In 1870 Watson moved to Connecticut and lived there until his death in 1888.398

Some professional lives turned out far differently after the war than could ever have been imagined. Thomas Haughey, the doctor who was run out of Jefferson County and worked as a surgeon for the Union army, decided to return to Alabama, probably to reunite with his family. His Union bona fides helped secure a place in the post-war Republican Party. In 1869, Haughey won reelection to the U.S. House of Representatives but was assassinated soon after. Lawyer Cullen Battle was another story. After racking up a successful wartime record, Battle used his wealth and fame to rebuild his practice, and to help organize the Ku Klux Klan. The KKK played an instrumental role reestablishing Democratic control of the Alabama state legislature in the 1870s.399

In April 1862 the Union army occupied Huntsville and on May 2, arrested Thomas Fearn. The doctor was now seventy-three years of age and in poor health. He and other prominent Huntsville citizens were jailed as retribution for nearby guerilla attacks. Ormsby Michel, the Union general in charge of the occupation, insisted that Fearn and his fellow prisoners sign a pledge of loyalty to the United States of America. In this way, Michel hoped to set an example to the rest of the city that no one, not even these distinguished gentlemen, was above the law. Fearn, however, refused to sign the pledge and ended up spending several more days in jail. “The feds called on Dr. Fearn to take an oath of allegiance and he flatly refused,” wrote Clement

398 Benners, 19-21.

Claiborne Clay. The younger Clay explained that Fearn “intended to be true and loyal to the Confederate States…that he had not long to live anyway, and perhaps it would be as well for him to signalise his devotion to his country by martyrdom in that way as in any other.” Six of the twelve incarcerated were professionals. Joining Fearn in jail were lawyers William Acklen, George P. Beirne, William Moore, Huntsville Female College president J.G. Wilson, and Bishop Henry C. Lay. They too resisted giving into Michel’s demands but all twelve were eventually let out on parole.

After being paroled from prison, Fearn returned to his home on Franklin Street and lived there until he died on January 16, 1863. In a final patriarchal act, Fearn put up a brave front for his family, even though his letters to others were filled with doubt. “I am delighted to see that you do not despond,” he wrote to his daughter Maria in September of 1862, two days after the crushing Confederate defeat at Antietam. “Let us have our independence & open trade & all our disasters will be speedily surmounted, & and the country ‘will blossom as the rose.’” Fearn told his daughter to come visit and to try to bring along her husband, General Garth, so that the doctor could cheer him up as well.

But evidence shows that Fearn knew better. The antebellum slave society that he and other professionals forged between the hinterlands days and the Civil War was lost forever. After Antietam, Lincoln felt empowered to issue the Emancipation Proclamation, which ostensibly freed all slaves in rebel-controlled lands. Without slavery, the foundation of Alabama’s economy would crumble. If the State of Alabama were to return to the Union, or to blossom like a rose, it

400 Clement Clay, Jr. to Clement Clay, Sr., undated but presumed to be written in early May 1862, Olin King Private Papers.

401 “Twelve Citizens” pamphlet found in Olin King Private Papers.

402 Fearn to Maria, September 19, 1862, Olin King Private Papers.
would have to do so under a new set of rules. In what manner the professional community would fit into this post war society was yet to be determined. Thinking once more about the broader society that he and his professional colleagues helped to create, Fearn wondered where war would lead his family and neighbors. “I have constantly thought this war must cease,” he mused a few months before his death, “that it could not go on. We only ask to be left alone.” We “are too numerous to be dealt with as rebellious subjects—and after we should be conquered, what would be done with us?” 403 Fearn did not live long enough to get an answer.

403 Fearn to General Garth, April 20, 1862, Olin King Private Papers.
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