

HISTORY
OF
ALABAMA
AND
DICTIONARY
OF
ALABAMA BIOGRAPHY

BY

THOMAS McADORY OWEN, LL.D.

Lawyer, Founder and Director Alabama State Department of Archives
and History, and author of numerous historical and
bibliographical publications

IN FOUR VOLUMES



VOLUME II

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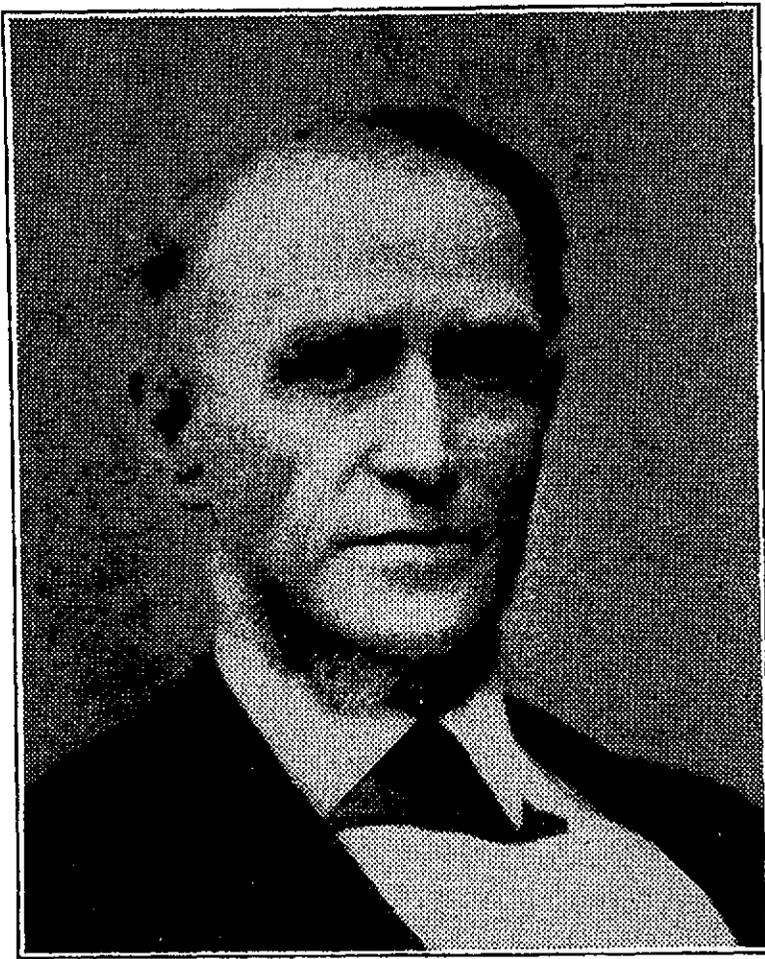
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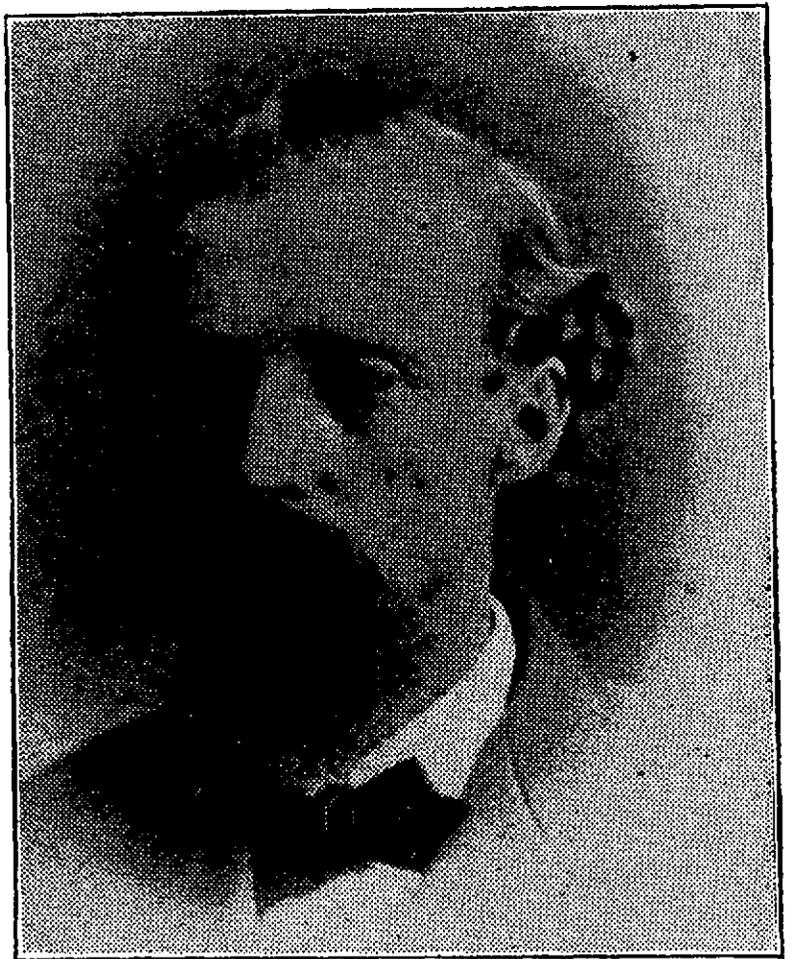
Excursion to Green Ridge

February



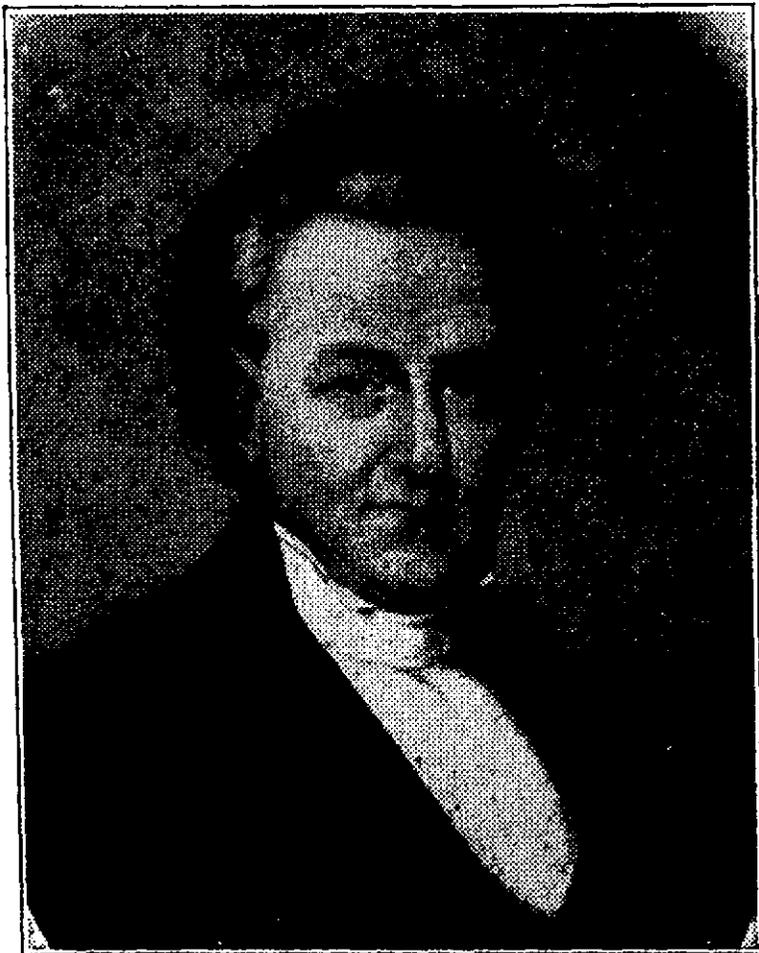
Dr. Henry Tutwiler

Principal of Green Springs Academy;
first student of the University of Virginia
to receive the A. M. degree.



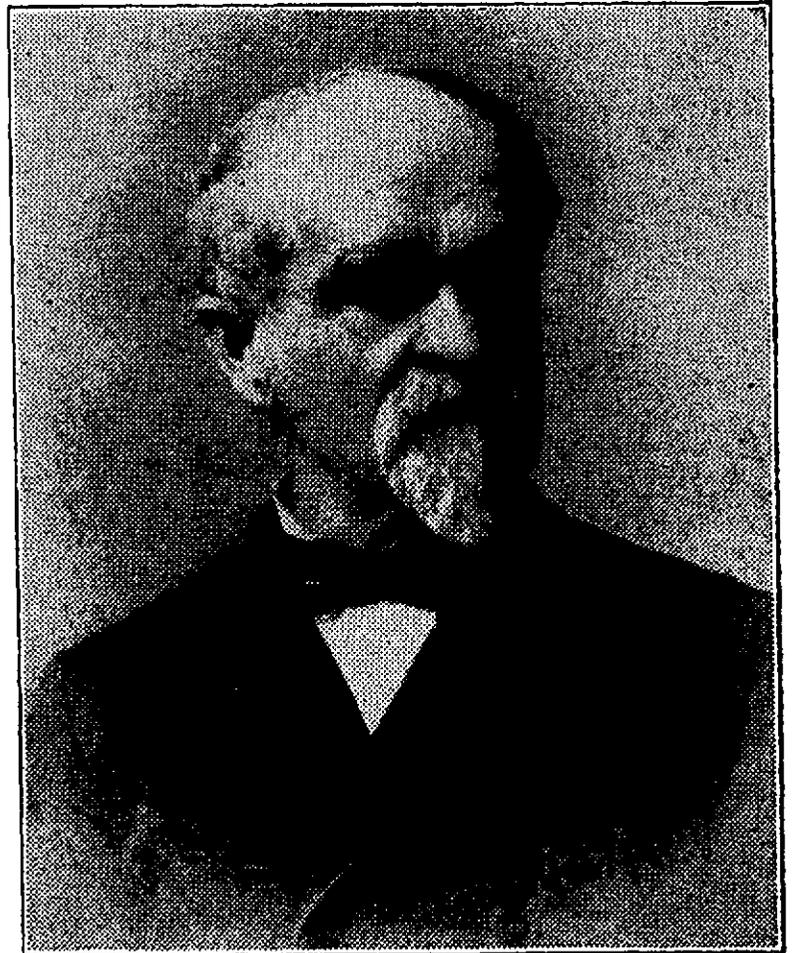
Dr. J. H. Johnson

Founder Alabama Schools for the Deaf and
Blind, Talladega



Dr. Basil Manly

Distinguished Baptist divine and second
president of the Alabama State University



Dr. William L. Broun

President Alabama Polytechnic Institute
1884 to 1902

EDUCATORS

History of Alabama

I

IBERVILLE HISTORICAL SOCIETY. An organization with headquarters in Mobile, of students especially interested in the local history of the Mobile Territory of the State of Alabama. Its original membership was Peter J. Hamilton, president; A. C. Harte, recording secretary, Rev. A. G. Moses, secretary and treasurer, and M. Brewster, F. G. Bromberg, P. C. Boudousquie, C. W. Butt, L. M. Brown, Erwin Craighead, L. de V. Chaudron, A. C. Harte, R. Hines, Thomas M. Owen, H. Pillans, P. Rapier, P. J. Robert, W. F. Tebbetts, J. A. Taylor, W. K. P. Wilson.

The Society is still active, and issues from time to time papers, bulletins, etc., etc.

REFERENCES.—*Publications in Alabama Departments of Archives and History.*

ICE MANUFACTURE. In 1880 there were three ice making establishments in the State with materials valued at \$1,575, and products at \$13,679. In 1914 there were 55 establishments, materials valued at \$930,169, and products, \$1,121,106.

The legislature of February 17, 1854, incorporated the "Livingston Ice House Company," with James Hair, Robert F. Houston, John H. Sherard, Henry H. Hanes, David H. Trott, John F. Valy, Socrates Parkes and George Wilson as incorporators. It was given power to hold property not exceeding \$50,000 in value.

REFERENCES.—*Acts, 1853-54, pp. 294-295; U. S. Census Reports, Manufactures.*

IDIOTS. See Mental Defectives.

IGNEOUS ROCKS. See Building Stones.

IKANATCHAKA. An Upper Creek Indian town known as the "Holy Ground." It was located on the south side of the Alabama River, between Pintalala and Big Swamp Creeks, in Lowndes County. The ground on which it was situated was believed by the Indians to be holy ground, because of certain rites by their prophets in setting it aside, and it was therefore believed to be immune or exempt from hostile attack. It was the home of William Weatherford, the "Red Eagle," and of Hillis Hadjo, "The Prophet." Weatherford had plantations on the right bank of the river higher up. The town was destroyed December 23, 1813, by Gen. F. L. Claiborne's forces.

REFERENCES.—Ala. Hist. Society, *Transactions* (1897-98), vol. 2; Index, Holy Ground and Weatherford; *Handbook of American Indians* (1907), vol. 1, p. 596; Meek, *Romantic Passages in Southwestern History* (1857), pp. 278-

280; Drake, *Book of Indians* (1848), Book 4, p. 58; Gatschet, in Alabama History Commission, *Report* (1901), vol. 1, p. 398.

IKANHATKI. An Upper Creek town in Elmore County, on the north side of the Tallapoosa River, and about 2 miles down stream from Kulumu. This town is generally regarded by Gatschet and others as inhabited by Shawnees. The first reference to it is found on De Crenay's map, 1733, where it is spelled Canatque. It is then located on the Tallapoosa River, very near Fusihatchi, and both on the south side of the river. These towns must have been subsequently moved across the river, where they were located in later historical times. Doubtless, however, they retained the fields and possibly some settlements in their old sites. In a list of Creek villages of 1764 the name is spelled Kanaatkes, with which some old Kusas were then living. This census gives the two people 40 warriors, and their town as 3 leagues from Fort Toulouse. The English trade regulations of 1761, assigned the town, spelled as Conhatchee, to the traders, Crook and Company. It had at that time 30 hunters. Dr. Swanton questions the Shawnee origin of this town, believing it to be Muscogee. After the Creek War he states that its inhabitants went almost in a body to Florida, and that at present their descendants form one town with the people of Fusihatchi in the southern part of the Seminole Nation, Okla.

REFERENCES.—Hawkins, *Sketch of the Creek Country* (1848), p. 34; Gatschet, in Alabama History Commission, *Report* (1900), p. 398; Georgia Colonial Records (1907), p. 523.

ILLINOIS CENTRAL RAILROAD COMPANY. Incorporated by act of the legislature of the State of Illinois, February 10, 1851, and various amendments thereto; mileage operated June 30, 1915—main track and branches, 5,754.62, side tracks, 2,086.19, total, 7,840.81; mileage operated in Alabama—main track and branches, 131.18, side tracks, 27.78, total, 158.96; capital stock authorized—\$109,296,000, no preferred stock, actually issued, \$109,291,716; shares, \$100; voting power, one vote a share; and funded debt, \$142,008,700.

The Illinois Central Railroad Co. entered Alabama with the construction of the Canton, Aberdeen & Nashville Railroad in Alabama, which was completed and put in operation in June, 1899. The road was built in order to reach the coal mines at Brilliant, and it extended from that point to Winfield, 7.84 miles. The tracks of the Kansas City, Memphis & Birmingham Railroad (q. v.) were used between Aberdeen, Miss., and Win-

field by the Illinois Central in operating the new branch road.

In 1906 a contract was entered into with the St. Louis & San Francisco Railroad Co. (q. v.) and its subsidiary companies by which the Illinois Central obtained, for a long term of years, the use of their tracks between Winfield and Birmingham, which gave the latter company a connection between its St. Louis-New Orleans line and the Birmingham mineral district.

In 1907 the company made trackage agreements with the Southern and the Northern Alabama Railway companies for the use of their lines between Haleyville and Jasper, a distance of 40 miles. About the same time, arrangements were made for the construction of a road from Haleyville, Ala., to Corinth, Miss., 80.23 miles, under separate charters in Alabama and Mississippi, and land was secured for the erection of a modern freight terminal in Birmingham. The charter in Alabama was issued under general laws to the Alabama Western Railroad Co.

On December 16, 1907, the portion of the new line between Corinth, Miss., and Red Bay, Ala., 41.97 miles, was put in operation. The rest of the line was completed and put in operation on April 19, 1908.

In June, 1899, the Illinois Central bought the entire capital stock of the Central of Georgia Railway Co. (q. v.), but the latter property is operated separately.

REFERENCES.—Railroad Commission of Ala., *Annual reports, 1900 et seq.*; *Poor's manual of railroads, 1899 et seq.*; *Annual report of the company to Ala. Public Service Commission, 1915.*

ILLITERACY COMMISSION, THE ALABAMA. A permanent State executive commission, created by the legislature, February 9, 1915, "for the removal of adult illiteracy in Alabama." It is composed of five members, both men and women, including the State superintendent of education, who is ex officio a member, appointed by the governor, "for their fitness, ability and experience in matters of education, and their acquaintance with the conditions in the State of Alabama and its various communities." It is a body corporate "with all the powers necessary to carry into effect all the purposes of" the act creating it. Its officers consist of a president and a secretary-treasurer, elected by the commission from its membership. The latter officer is required to furnish bond in a reputable bonding company, in such sum as the commission may designate, for the faithful performance of his duties, and he may be removed from office and a successor appointed by the commission at its discretion. The members receive no compensation for their services nor expenses of any kind out of the State treasury, but may be reimbursed out of any funds which may come into the hands of the commission from other sources, for their actual traveling and other necessary expenses incurred in the performance of their duties.

It is the duty of the commission "to make

research, collect data . . . looking to the obtaining of a more detailed and definite knowledge as to the true conditions of the State in regard to its adult illiteracy, and report regularly the results of its labors to the governor, and to perform any other act which in its discretion will contribute to the elimination of the State's adult illiteracy by means of the education and enlightenment of illiterate persons in the State. . . ." It is empowered to adopt such additional rules and regulations as may seem expedient for carrying on its business, but it must expend the funds coming into its hands in a manner and for purposes "in keeping with the general purposes" of its creation.

Pursuant to the provisions of the act, on March 25, 1915, the governor appointed as members of the commission ex-Gov. William D. Jelks of Birmingham, James B. Ellis of Selma, Miss Mary N. Moore of Athens (now the wife of Bishop H. McCoy of Birmingham), and Mrs. W. K. Linscott of Mobile. The commission organized on April 2, 1915, by electing ex-Gov. Jelks as president, and William F. Feagin, superintendent of education and ex officio member of the commission, as secretary-treasurer. The last-mentioned officer was authorized to select for each county at least five citizens to serve as a county subcommission; to solicit donations for the furtherance of the movement; and to appoint a field agent to travel over the State in the interest of the cause. The commission requested the governor to proclaim the first Monday in June as Illiteracy Day and to appeal to the citizens of the State to observe it. The proclamation was issued on May 5, and Illiteracy Day was generally and enthusiastically observed throughout the State. In preparation for an active campaign, the commission caused a careful analysis to be made of the United States Census reports for 1910, the results of which were published in a bulletin entitled "The problem, the plan, the proclamation of the governor." The publication and wide circulation of this pamphlet produced a profound effect among the people of the entire State; and, together with the personal appeals made by the secretary-treasurer, resulted in a very liberal subscription of funds with which to inaugurate and carry on the work. A field agent was therefore appointed, and active work begun among the teachers and other interested persons in the different counties. In furtherance of the work, four pamphlets were issued by the commission and given general distribution; and as a means of stimulating interest and of obtaining additional funds, "Button Campaigns" were conducted in many of the counties, cities, and towns throughout the State.

The first city campaign was conducted in Union Springs, and the first county campaign in Autauga County. Similar campaigns subsequently were made in Montgomery, Eufaula, Huntsville, Opelika, Dothan, Anniston, Gadsden, Talladega, Selma, Mobile, Birmingham, Tuscaloosa, and Bessemer in the order given. The general effect of these campaigns, aside

from the funds realized, is thus described by the commission in its first report:

"Men and women of intelligence above the average being brought face to face with the astounding figures printed on the button, openly confessed they were ignorant of educational conditions in the State. A desire for information was stimulated, resulting in a general awakening of the public conscience as to Alabama's duty in speedily remedying existing conditions.

"The subject of illiteracy was uppermost in the minds of the people; it occupied a prominent place on club programs and was discussed with telling effect from the pulpit. As the light was thrown on the subject, commercial organizations began to realize its economic significance and entered without reservation into the spirit of the publicity movement.

"The more striking effect of the campaigns was their general influence in preparing the minds of the people for better school facilities—a need that could be met only by giving them the right of local taxation. The campaigns truly paved the way for the great local tax victory of November 7, 1916."

Genesis of the Movement.—The germ of the idea which eventuated in the illiteracy campaign in the State and the creation of the Alabama Illiteracy Commission was planted in the minds of the members of the delegation of Alabama educators to the annual meeting of the Southern Educational Association, held in Houston, Tex., November 30-December 2, 1911, by Mrs. Cora Wilson Stewart, county superintendent of education of Rowan County, Ky., who told of the work being done in the mountains of Kentucky in the effort to remove illiteracy. An invitation to visit the State and address the Alabama Educational Association was extended to her, and on the evening of April 5, 1912, she spoke to an audience composed of more than 2,000 teachers and citizens. "Her address was one of the most inspiring ever delivered before the association," says the report of the commission. "The seed sown in the hearts of the teachers is today bearing fruit in the lives of many of our good people, who, as children, because of circumscribed conditions, were denied the educational privileges to which every child is entitled."

"During the spring of 1914," continues the report, "the co-operation of the county superintendents was enlisted in a movement to secure a complete list of illiterate white children between the ages of eight and twenty years. The work was done during the month of July when the biennial enumeration of school children was made. The results were inaccurate in some respects, due to the difficulties necessarily encountered in such an undertaking. However, it served the purpose for which it was intended; it brought the general public to a full realization of the fact that the 'mill of neglect' was busy each year grinding out a new crop of illiterates. It did much to stimulate the public conscience to a full realization of the necessity of a compulsory attendance law, which was enacted

by the Alabama Legislature, September 15, 1915. In addition, it created a sentiment favorable to great movements which were about to be projected.

"The executive committee of the Alabama Educational Association, at its annual meeting in November, 1914, adopted as a campaign slogan for the year, 'Illiteracy in Alabama—Let's Remove It,' and set apart Friday night, April 2nd, during the 1915 meeting of the Association to be observed as Illiteracy Night.

"The program of the evening was participated in by Dr. P. P. Claxton, United States Commissioner of Education, who discussed general educational conditions in the United States with special reference to illiteracy; Mrs. Cora Wilson Stewart, of Rowan County, Kentucky, who told of the progress of the work in Kentucky; and the State Superintendent, who spoke of conditions in Alabama and outlined definite plans looking to the gradual reduction of illiteracy.

"On February 9, 1915, prior to the above named date, a bill authorizing the creation of the Commission for the removal of adult illiteracy having been passed by both houses of the Legislature, was signed by Governor Henderson."

Commissioners.—William D. Jelks, president, 1915-; J. B. Ellis, 1915-; Mrs. Mary Moore McCoy, 1915-; Mrs. W. K. Linscott, 1915-; William F. Feagin, secretary-treasurer, ex officio member, 1915-.

Field Agents.—Mrs. E. D. Thames, 1915; J. B. Hobdy, 1915; Miss Esther R. Foster, 1915-.

PUBLICATIONS.—*Report*, Apr. 2, 1915-Oct. 1, 1916; *Literacy and illiteracy in Alabama—biennial census for 1914* (Sept. 30, 1914, pp. 32, copies issued, 20,000); *The plan, the problem, the proclamation of the governor* (May 10, 1915, copies issued, 5,000), a comparative, statistical study by counties; *Elimination of illiteracy in Dale County* (July 19, 1915, copies issued, 25,000); *Exercises for Alabama adult schools* (May 1, 1916, copies issued, 10,000), a textbook in reading, writing, spelling and arithmetic sold at 10 cents a copy, or furnished free to illiterate pupils unable to pay for it.

See Education; Education, State Department of.

REFERENCES.—*General Acts*, 1915, pp. 80-81; publications listed *supra*.

ILLUMINATING OILS, INSPECTION OF.
See Inspection of Merchandise.

IMBECILES. See Mental Defectives.

IMMACULATE CONCEPTION SCHOOL.
An institution for the education of negroes, conducted by the Catholics of Mobile. On September 30, 1916, its report to the State superintendent of education showed buildings and site valued at \$4,000; equipment, \$500; 2 teachers; 130 pupils; and a total support of \$730.

REFERENCES.—Superintendent of Education, *Annual report*, 1916, pp. 182-183.

IMMIGRATION, BOARD OF. See Immigration Commissioner.

IMMIGRATION COMMISSIONER. The executive officer of the State immigration board, authorized March 4, 1907, and abolished by act of February 11, 1915, the records and duties of the office being transferred to the department of agriculture and industries. The commissioner, though in charge of the administrative affairs of the immigration department, was under the supervision and control of the immigration board, by which all questions of policy and procedure were to be decided. He was appointed by the governor for a four-year term; was required to furnish a surety bond of \$5,000; and his salary was \$2,400 a year. It was his duty to encourage the immigration to the State of desirable persons by means of published circulars of information, handbooks on the resources of the State, and the promulgation of compilations concerning lands available for settlement. He was also required to make to the governor an annual report of the workings of the department, which should be printed as other State documents.

Soon after the creation of the department in 1907, Gov. Comer appointed R. H. de Holl as commissioner. He went to Germany at the expense of the Tennessee Coal & Iron Co. and brought back about a hundred immigrants. However, rulings of the Federal authorities had the effect of destroying the efficacy of the law for similar efforts, and Mr. de Holl declined further service. The office remained vacant until the appointment of Robert H. Walker, October 19, 1910.

On April 24, 1911, an act was passed which appropriated out of the general fund of the State \$5,000 a year for the encouragement of immigration. With this sum work went forward to 1915, when the office was abolished, and its activities added to those of the department of agriculture and industries already existing on the subject. It is proper to add, however, that the new duties under the act of 1915 are to be performed by the commissioner under the general direction of the State board of horticulture, of which he is a member.

Immigration, Board of.—The ex officio board, mentioned above, consisted of the governor, as chairman, the commissioner of agriculture and industries, and the immigration commissioner. It was empowered to make arrangements with individuals, firms or corporations for promoting immigration, and might send an agent to any part of the United States, or to foreign countries, for that purpose, provided there should be no expense to the State. It was made a misdemeanor, punishable by a fine not less than \$1,000, for any person, firm, association or corporation to bring or cause to be brought into the State, any immigrants from any foreign country in any other way than through the immigration board. With the exception of the commissioner, the members of the board served without pay.

The establishment of this board was the

first official step taken by the State toward stimulating immigration after the old office of commissioner was abolished by the code of 1886. Shortly after its creation, the Attorney General of the United States rendered certain opinions concerning the national immigration laws, which so limited the operation of the State law as practically to nullify it, permitting nothing more than the advertisement in a general way of the State's resources and advantages for settlement. No personal inducements or dealings with possible immigrants from abroad were permitted.

Operations Under Old Law.—The first formal encouragement of immigration in an official way was required as a part of the duties of the bureau of industrial resources, created by the constitution of 1868, but which was abolished in 1875. The first specific agency provided to carry out the mandate of the constitution was the adoption of an act of February 11, 1875, which empowered the governor to appoint a commissioner of immigration and a board of commissioners directors for the encouragement of immigration, without conflicting with the Constitution and laws of the United States. The number of members to constitute the board was not specified, and no funds were appropriated for its work, which it was expected would be financed by contributions from the various counties desiring new settlers, and donations from corporations and industrial companies in need of more skilled laborers. Provision was made for the establishment of an "immigration depot," at Mobile for the care of immigrants until called for by the parties contracting for them.

In pursuance of this act, Gov. Houston appointed C. F. Seivers, commissioner of immigration, and A. Murdock, F. H. Herndon, Price Williams, D. Clopton, B. M. Woolsey, G. G. Lyon, W. H. Chambers, J. I. Foster, Daniel Coleman, J. R. Hawthorne, L. M. Stone, E. S. Shorter, S. A. Fordyce, and W. V. Chardavoyne as a board of directors. The board took up its work at once, held several meetings, and planned a campaign of publicity for settlers, both in America and abroad. But for reasons which are not apparent in the records, the next legislature repealed the law, and passed a new act, approved March 7, 1876, which empowered the governor to appoint a commissioner of immigration, who was authorized to designate two assistant commissioners, all to serve without salaries or other expense to the State, and to secure their compensation from per capita commissions on contracts for the sale or lease of lands to immigrants, to be paid by the contracting parties. It was the duty of the commissioners to collect and disseminate data and information as to the resources, products topography, prices of lands for sale or lease, wages and demand for labor, with a view to obtaining new settlers and investors from desirable classes of people outside the State. They were expected to constitute themselves a general clearing house for information of all sorts which related to the settlement of

the vacant lands of the State, or the development of its idle industrial resources. The funds with which to defray the expense of these important activities, the commissioner was expected to obtain by voluntary subscriptions, donations, "or loan on such security as he can offer; Provided, however, That nothing herein contained shall be construed or held as incurring in any manner or creating any claim or obligation whatsoever upon the State of Alabama."

In his message to the legislature, November 14, 1876, Gov. Houston said: "I submit herewith a report from the commissioner of immigration, and invite your attention to its contents, as showing the prospects of the enterprise in his hands. It is gratifying to me, as it must be to yourselves, to know that in many localities of the State considerable numbers of the best class of people from other States have become permanent citizens. They are gladly received and welcomed by the resident population, and will not only make very desirable additions to the society of the respective localities, but will also aid in the general prosperity, wealth and power of the State. . . . The tide of immigration has now well set in, and I expect much of these instrumentalities in the future." The legislature, February 9, 1877, so amended the law as to provide for the appointment of as many assistant commissioners as the governor might think necessary, whose terms should not exceed two years unless reappointed.

In order to carry on the work contemplated by the law, Commissioner Seivers accepted employment as a commercial traveler, by which means he visited many sections of the North, Northwest, and West and familiarized himself with the conditions obtaining in those communities which were settled largely by immigrants. This expedient was made necessary by the absence of an appropriation for the work. He issued a report in 1878 in which he recounted his efforts toward securing immigrants and recommended the establishment of a regularly organized State department with a central office at the capitol and funds for prosecuting its work. Nothing was done by the legislature, however, toward making the department effectual.

The immigration acts of March 7, 1876, and of February 9, 1877, were codified as chapter 19 of the code of 1876. This chapter with its seven sections was not carried forward into the code of 1886. The reasons for their omission are thus stated by the commissioners in their report to Gov. E. A. O'Neal, p. 11:

"Sections 1756 to 1762 of the Code of 1876, in reference to commissioner and assistant commissioner of immigration have been omitted as unnecessary, these offices not being filled, and as it is obvious are rather for the transaction of private than of public business."

While there were various commissioners and assistant commissioners, there is no record of their service, if any. No reports were printed, following the report of Mr. Seivers

in 1878, and if any were ever filed, they are not now available.

The next stage in the official promotion of immigration was the incorporation of a provision in the act of February 23, 1883, establishing a department of agriculture, requiring the commissioner "to aid immigration by publishing each year such information as to the agricultural, mineral and other industries and resources of this State as shall be of interest to those seeking homes in the State of Alabama." This duty still remains in force, with the addition of a requirement that the commissioner shall aid those "seeking investments" as well as homeseekers. In the execution of his duty hereunder, the commissioner has published a number of handbooks and other literature of a descriptive nature. He has also advertised the advantages and resources of the State by participating in state, sectional and national fairs and expositions, and by occasional advertisements in leading farm and industrial journals.

Immigration Policy.—During its entire history, the State has maintained a liberal policy on the subjects both of immigration and emigration. Every constitution has carried a provision declaring that emigration from the State should not be prohibited, and that no citizen should be exiled. With the adoption of the constitution of 1875 the fundamental provision was enlarged, and carried forward into the constitution of 1901, viz: "That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled." This section was construed in the case of *Kendrick v. State*, 142 Ala., p. 43. It was there held that an act of the legislature prohibiting emigration agents from plying their vocations within the State, without first obtaining a license therefor, was not violative of the fourteenth amendment of the Constitution of the United States, nor of section 31 of the constitution of Alabama. The license imposed was held to be an occupation tax, designed for the purpose of raising revenue, and that it was not intended to interfere with the freedom of egress from the State, or the freedom of contract.

The present policy is indicated in the following extract from the immigration law of February 11, 1915:

"The commissioner of agriculture and industries shall use lawful means to prevent the induction into this State of immigrants of an undesirable class, and to this end shall investigate the conditions of the applicants for admission through the department, so as to discourage the coming in of [persons of] an anarchistic tendency and paupers, persons suffering from contagious or communicative diseases, cripples without means and unable to perform mental or physical service and idiots, lunatics, persons of bad character, or any persons who are likely to become a charge upon the charity of the State and all such that will not make good and law-abiding citizens."

It is further provided that "immigrants shall be sought from desirable white citizens

of the United States first, and then citizens of English-speaking and Germanic countries and France, and the Scandinavian countries and Belgium, as prospective citizens of this State and conformable with the laws of the United States."

In the early history of the State, however, constitutional provisions and statutes were not necessary to stimulate immigration. One historian declares with enthusiasm that after the conclusion of the treaty of Fort Jackson, "The flood-gates of Virginia, the two Carolinas, Tennessee, Kentucky and Georgia were now hoisted, and mighty streams of emigration poured through them, spreading over the whole territory of Alabama. The axe resounded from side to side, and from corner to corner. The stately and magnificent forests fell. Log cabins sprang, as if by magic, into sight. Never before or since, has a country been so rapidly peopled."

Directors of First Board of Immigration, 1875.—W. H. Chambers, W. V. Chardavoyne, David Clopton, Daniel Coleman, J. C. Foster, J. R. Hawthorn, Thomas H. Herndon, George G. Lyon, Abraham Murdock, Eli S. Shorter, Lewis M. Stone, Price Williams, B. M. Woolsey.

Commissioners (Old law).—C. F. Seivers, 1875; E. R. Smith, 1879; J. J. Alston, 1881; Henry C. Stoutz, 1882.

Assistant Commissioners (Old law. Dates of appointment only are given).—Charles N. Golding, 1876; Jay W. Cowdery, 1876; Norris C. Buxbanne, 1876; J. E. Reimann, 1877; Lewis Heinsheimer, 1877; Joseph Goetter, 1877; George D. Reigal, 1877; W. R. King, 1877; John A. Lile, 1877; Louis Ballinger, 1877; W. J. B. Lansdale, 1878; W. J. Vankirk, 1878; J. M. Alexander, to Paris, 1878; Dr. Thomas T. Pratt, to Paris, 1878; Prof. James F. Park, to Paris, 1878; George Dunn, 1878; C. W. Gee, 1879; J. J. Alston, 1881; Otto Cullman, 1881; Charles Smallwood, 1881; Henry C. Stoutz, 1882.

Commissioners (New law).—R. H. de Holl, 1907; R. H. Walker, 1910-1911; Lee Cowart, 1911-1915.

PUBLICATIONS.—(Old) *Address of Commissioner of Immigration*, March 20, 1876; *Report*, Nov. 6, 1876; *Report*, Oct. 11, 1878. 3 vols. (New) *Report*, Feb. 3, 1911-Jan. 1, 1915. 1 vol. *Alabama's new era*, 1911-1913, vols. 1-3; and sundry circulars and leaflets.

See Agriculture and Industries, Department of; Horticulture, State Board of; Industrial Resources Bureau; Population.

REFERENCES.—*Constitution*, 1901, sec. 30; *Codes*, 1876, secs. 1756-1762; 1907, sec. 22, subdiv. 14, and secs. 827-837; *Acts*, 1874-75, pp. 121-124; 1875-76, pp. 266-267; 1876-77, p. 125; 1882-83, p. 193; Gov. George S. Houston, "Message," in *Senate Journal*, 1876-77, p. 16; *General Acts*, 1907, pp. 313-316; 1911, p. 689.

IMPEACHMENTS. The grounds, methods of procedure, and the officers subject to removal by impeachment are set out in article vii, sections 173-176 of the constitution of 1901. Certain State and county officers may be impeached, under the provisions of

section 173, "for wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics, to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith.

For these causes the following State officers may be impeached before the senate: governor, lieutenant governor, attorney general, auditor, secretary of state, treasurer, superintendent of education, commissioner of agriculture and industries, and justices of the supreme court. Other officers may be impeached for the same causes by the supreme court, namely, chancellors, judges of circuit courts, of probate courts, and of other courts from which appeal may be taken directly to the supreme court, solicitors and sheriffs. Under the constitution the impeachment of other officers may be provided for by legislative enactments. The clerks of circuit courts, criminal courts, and other courts of like jurisdiction, tax assessors, county treasurers, county superintendents of education, judges of inferior courts created under authority of section 168 of the constitution, coroners, justices of the peace, notaries public, constables, and other county officers, and mayors, intendants, and other officers of incorporated cities and towns may be removed from office for any of the causes specified in section 173 by the circuit or criminal court of the county in which such officer holds his office. In such cases it is provided that the right of trial by jury and appeal shall be secured to the defendant.

Under the constitution, the penalties in cases of impeachment or removal from office "shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this State, for the term for which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law."

Pursuant to the provisions of the constitution, a body of law governing impeachment proceedings has been enacted and incorporated in the code of 1907, sections 1172-1177 and 7099-7126. Under the provisions of the code, disqualification is made a ground for impeachment, and proceedings may be instituted upon the information of five resident tax payers. In the impeachment case against Charles W. Buckley, 54 Ala., p. 599, the court held that such proceedings constituted a criminal prosecution. Sections 1172 to 1177 of the code, based on an act of August 13, 1907, govern the impeachment of municipal officers.

The first impeachment case in the State was the famous attempt in 1829 to depose three justices of the supreme court. This case is popularly known as "The Trial of the Judges." It was not an impeachment in the strict sense of the term, as it was not instituted as required by the constitution of 1819,

but was commenced by means of a memorial to the senate under authority of article v, section 13, of the constitution, which prescribed that "the judges of the several courts in this State shall hold their office during good behavior; and for wilful negligence of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of two-thirds of each House of the General Assembly."

At that time judges were elected by joint vote of the two houses of the legislature, and served during good behavior. The supreme court was composed of the judges of the various judicial circuits. The proceedings were begun by William Kelly, a lawyer of north Alabama, who undertook the removal from office of Justices Reuben Saffold, John White, and Anderson Crenshaw, for alleged improper rulings and decisions in connection with the celebrated usury cases. The case was tried before the senate, Arthur F. Hopkins and John J. Ormond acting as counsel for the judges, and William Kelly prosecuting. The judges were acquitted and sustained. In the case of Judge Saffold, the resolution states that "it is the opinion of the Senate that the charges preferred against Judge Saffold by William Kelly, Esq., are not sufficiently sustained by proof to authorize an address to the Governor for his removal." Similar resolutions were adopted in each of the other cases.

Other impeachment trials have occurred since "The Trial of the Judges," as follows:

————— Ledbetter, clerk Bullock County court; 1846; wilful neglect of duty and incompetency; acquitted.—10 Ala., p. 241.

Charles W. Buckley, probate judge Montgomery County; 1876; corruption in office and malfeasances; acquitted.—54 Ala., p. 599.

William Seawell, justice of the peace, Montgomery County; 1879; corruption in office; acquitted; the court held that charges were too vague and indefinite to uphold the proceedings.—64 Ala., p. 225.

Wiley C. Jones, probate judge Barbour County; 1881; wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, and commission of offenses involving moral turpitude; plead guilty to the charge of neglect of duty, and thereupon nolle prosequi entered as to the others.

F. M. Taylor, probate judge Winston County; 1886; wilful neglect of official duties, corruption in office, and embezzlement; plead guilty to the charge of neglect of duty, and was removed from office.—Atty. Gen., Report, 1886, p. 88.

Robert R. Savage, probate judge Cherokee County; 1889; habitual drunkenness while in office; impeached.—Ibid, 1890, p. 6.

John B. Talley, judge ninth judicial circuit; 1894; wilful neglect of duty and murder; acquitted on first charge, convicted on second, and removed from office.—Ibid, 1894, pp. 7-9.

William C. Robinson, probate judge Lee County; 1895; habitual drunkenness; acquitted.—Ibid, 1896, pp. 6-8.

J. H. Lovejoy, probate judge Etowah County; 1902; corruption in office and wilful neglect of duty; acquitted.—135 Ala., p. 64.

Richard H. Lowe, solicitor eighth judicial circuit; 1901; wilful neglect of duty; impeached and office declared vacant.

J. C. Wood, probate judge Lowndes County; 1903; offenses involving moral turpitude; resigned, and proceedings dismissed.

Frank Cazalas, sheriff Mobile County; 1909; wilful neglect of duty under section 174 of the constitution; impeached.—Atty. Gen., Report, 1908-1910, pp. xxxi-xxxii.

Edgar E. Latham, sheriff Tuscaloosa County; 1910; intemperance in the use of intoxicating liquors; acquitted—Ibid, pp. xxxii-xxxiii.

P. W. Jinwright, sheriff Bullock County; 1911; wilful neglect of duty, incompetency, connivance, etc.; impeached.

William Martin, sheriff Hale County; 1913; wilful neglect of duty and incompetency; State failed to make out a case.

A. L. Hasty, probate judge Marengo County; 1913; wilful neglect of duty, incompetency and corruption in office; acquitted.

John W. Lane, sheriff Chambers County; 1914; corruption in office and offenses involving moral turpitude; acquitted.

Robert I. Burke, probate judge Cullman County; 1914; wilful neglect of duty; acquitted.

W. L. Pratt, probate judge Bibb County; 1915; intemperance in the use of intoxicants; impeached.

J. B. Lyons, probate judge Lee County; 1915; misappropriation of county funds and habitual drunkenness; resigned, and case dismissed.

David C. Almon; solicitor eighth judicial circuit; 1915; corruption in office, offenses involving moral turpitude, wilful neglect of duty; acquitted.

P. M. Daniel, sheriff Russell County; 1916; wilful neglect of duty and incompetency; impeached.

REFERENCES.—*Constitution*, 1819, art. v; 1901, art. vii, secs. 173-176; *Code*, 1907, secs. 1172-1177, 7099-7126; *Acts*, 1875-76, pp. 277-284; *Savage's case*, 89 Ala., p. 1; *Talley's case*, 102 Ala., p. 25; *Robinson's case*, 111 Ala., p. 482; *Cazalas' case*, 162 Ala., p. 210; *Latham's case*, 174 Ala., p. 281.

IMPORT DUTIES. An indirect tax collected by the United States Government on certain articles and materials imported into the country, at stipulated rates, sometimes specific and sometimes ad valorem. These duties are the only taxes upon imports now collected in the State. Mobile is at present the only port of entry in Alabama where customs duties are collected. Before the organization of the State of Alabama, there were ports of entry collecting tonnage charges on imports at Fort Stoddert and at Blakeley, but there was no customhouse at

either port. The first customhouse was established at Mobile by the United States Government in 1831. (See Mobile Federal Building.) There are only meager records of the duties collected at Blakeley, Fort Stoddert or Mobile previous to 1871. It appears, however, that duties on imports and tonnage charges for the year ending September 30, 1823, aggregated \$27,953.50.

The duties collected at Mobile by the United States Government in each fiscal year from 1871 to 1916 are shown by the appended table:

Duties Collected at Mobile, Alabama.

Year ended June 30	Amount
1871	\$660,126
1872	371,414
1873	89,110
1874	75,622
1875	19,396
1876	38,592
1877	38,141
1878	33,206
1879	21,141
1880	27,106
1881	222,017
1882	108,957
1883	200,399
1884	50,139
1885	6,869
1886	18,787
1887	18,815
1888	9,235
1889	12,071
1890	4,989
1891	7,397
1892	9,157
1893	14,921
1894	9,561
1895	17,852
1896	19,053
1897	20,048
1898	9,707
1899	11,686
1900	17,452
1901	26,735
1902	16,193
1903	32,261
1904	34,651
1905	33,893
1906	26,149
1907	34,391
1908	58,660
1909	49,414
1910	69,028
1911	69,487
1912	85,859
1913	85,124
1914	73,873
1915	80,402
1916	73,103

See Blakeley; Federal Taxation; Fort Stoddert; Income Tax; Internal Revenue; Mobile, Port of; Mobile Harbor; Water-borne Commerce.

REFERENCES.—Toulmin, *Digest*, pp. 849-877; McLaughlin and Hart, *Cyclopedia of American Government* (1914); *American State Papers, Finance*, vols. 1-5, *passim*.

IMPOSTS. See Import Duties.

IMPRISONMENT FOR DEBT. It is provided by section 20 of the constitution of 1901, "that no person shall be imprisoned for debt." The same inhibition was contained in section 21 of the constitution of 1875, and in section 22, article 1 of the constitution of 1868, where it first appeared. Previous constitutions, viz, those of 1819, 1861, and 1865, contained, as a section of the "Bill of Rights" included in each, the following provision:

"The person of a debtor, where there is not strong presumption of fraud, shall not be detained in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law."

Thus, for practically 50 years, or from the organization of the State government until the adoption of the constitution of 1868, so far as constitutional provisions were concerned, a debtor could be arrested, placed in prison and kept there, at the desire of the creditor, so long as he failed to surrender his estate for the satisfaction of his debts, but no longer, unless there was "strong presumption of fraud." However, after the passage of the act of February 1, 1839, "to abolish imprisonment for debt," a debtor could neither be imprisoned nor arrested for debt, except in cases of fraud. Section 1 of the law provided "that from and after the passage of this act, it shall not be lawful to take the body of any person, in custody, to answer for a civil demand except in cases of fraud as hereinafter prescribed." From the passage of this act until the constitution of 1868 became effective, debtors could be imprisoned lawfully only when fraudulent methods had been used in contracting or in avoiding payment of a debt. Since 1868 imprisonment for debt, whether fraudulently contracted or not, has been held by the supreme court to be unconstitutional. That is to say, a debtor may not be arrested nor incarcerated as a means of forcing him to pay a debt, or as a penalty for its nonpayment, even when fraud has been used in contracting the debt or in avoiding payment.

In *Ex parte Hardy* (68 Ala., p. 303) the supreme court held, with the chief justice dissenting, that that part of a statute which authorized a court of equity to commit to prison the person of a debtor who refused to comply with a decree of the court requiring the delivery of property in settlement of a judgment for debt, on the ground that such refusal was a contempt of court, was violative of section 21 of the constitution of 1875, and therefore null and void. This ruling has formed the basis of all subsequent decisions.

Old Laws and Practices.—The provisions of the first constitution of the State with respect to imprisonment for debt were simply the embodiment in a single sentence of the substance of the laws of Alabama Territory in effect at the time that instrument was framed. The Territorial code was founded upon the English common law, which sanctioned imprisonment for debt; but the pro-

visions of the common law had already been modified in some particulars by the Mississippi Territory when Alabama Territory was created in 1817. The existing laws of the former were carried forward into the organization of the latter, as was the case with the statutes of the latter when the State was organized.

Among the earliest statutes upon the subject was the act of the legislature of Mississippi Territory, passed February 7, 1807, "concerning executions, and for the relief of insolvent debtors." It covered the entire procedure in the collection of debts, and superseded all previous enactments. It authorized the seizure of "the goods, lands, or body" of a debtor upon writs of fieri facias, elegit, and capias ad satisfaciendum, sued out by a creditor holding a judgment of a court of record of the Territory, for the satisfaction of such judgment; and a debtor so imprisoned might be kept in prison until the debt and the court costs were paid. However, an insolvent debtor might take the oath of insolvency, prescribed in the act, and file a sworn schedule of his assets with the courts, whereupon he would be discharged from prison, and could not again be imprisoned on account of the same judgment.

With respect to the support of prisoners for debt, the act provided: "Any person imprisoned in a civil or qui tam action, shall furnish his, or her own sustenance, or pay the gaoler fees for the same, until lawfully discharged; and when any prisoner shall be committed to gaol in a civil action, as aforesaid, and shall provide for his, or her own support, in any way wherein the sheriff or gaoler shall have no concern, it shall be the duty of the gaoler, or prison keeper, to admit to the wicket grate, or small window of a prison, in which such prisoner shall be confined, any person who may come to administer to the wants of such prisoner, by furnishing him or her with meat or drink; which shall be conveyed through such small window or grate, that the security of the prison be not too frequently exposed by opening the doors thereof." It provided further: "That if any person being in prison, charged in execution, [for debt] shall happen to die in execution, the party or parties at whose suit or to whom such person shall stand charged in execution for any debt or damages recovered, his or their executors or administrators may, after the death of the person so dying in execution, lawfully sue forth and have new execution against the lands and tenements, goods and chattels, or any of them, of the person so deceased."

The law was no respecter of persons, for the members of the legislature itself, who were by law immune from arrest while engaged in their duties as such, could obtain relief from its penalties only temporarily, under the following section: "That if any person taken in execution, be delivered by privilege of either House of Assembly, so soon as such privilege ceaseth, he shall re-

turn himself a prisoner in execution, or be liable to an escape."

On December 11, 1811, the legislature extended the benefits of the above-discussed act to persons "in custody, upon original or mesne process," the same as to persons charged in execution; and on January 15, 1821, the legislature passed an amendatory act for the relief of insolvent debtors, by which it was provided that a debtor arrested upon mesne process, or taken in actual custody, who desired to surrender his property for the benefit of his creditors, might give bond in the amount of the judgment or execution for his personal appearance at such time and place as should be designated by the court, and thus secure his release; and, further, that an insolvent debtor might obtain his discharge from arrest or imprisonment by filing a declaration of his insolvency and a schedule of his creditors with the amount due each. The making of a false return in filing such declaration and schedule made the culprit "subject to all the pains and penalties prescribed by law against perjury," and such person should "never thereafter be entitled to the privileges or benefits extended" by the act. Additional stipulations contained in the act were as follows: "That no person in custody shall have the liberty of the prison bounds, who shall neglect or refuse for sixty days to take the benefit of this act;" and "that all persons ordered to be imprisoned for failing to pay any fine imposed by law, who shall be unable to pay the same, shall have the benefit of this act, subject to the same rules and instructions applicable to other debtors."

With the foregoing modifications, all tending to ameliorate the harshness of the common law, the statutes of Mississippi and of Alabama Territories concerning debtors, solvent and insolvent, remained in effect, unchanged by the provisions of the constitution of 1819, which merely forbade the further detention in prison of a debtor who surrendered his property for the benefit of his creditors, unless there were grounds for a strong suspicion of fraud, until the passage of the act of February 1, 1839, above referred to, which prohibited arrest or imprisonment for debt except in cases of fraud; and with this further modification, continued in force until the adoption of the constitution of 1868.

Thus, prior to 1807 there could be no relief from imprisonment for debt except death or the will of the prosecuting creditor; from 1807 to 1821 a debtor could secure his release by surrendering his estate or by proving himself insolvent—his further confinement after taking such action being forbidden by the constitution after the organization of the State in 1819; from 1821 to 1839 he could escape arrest and imprisonment by furnishing bond to appear in court and deliver up his estate, or prove his insolvency; from 1839 to 1868 he could be arrested for debt only in cases of fraud; and since 1868 he cannot be imprisoned, directly or indi-

rectly, because of debt, whether accompanied by fraud or not.

Prison Bounds.—One of the interesting phases of imprisonment for debt as practiced in Mississippi and Alabama Territories and in the early years of the State, was the extension of partial liberty to certain classes of prisoners by allowing them the freedom of "prison bounds." The custom dates from the passage of an act in February, 1807, "for the appointment of justices of the peace, and the establishment of county courts," which provided, among other things, "that the justices of every county court shall be . . . empowered to mark and lay out the bounds and rules of their respective prisons, not exceeding ten acres, which marks and bounds shall be recorded, and renewed or altered, from time to time, as occasion shall require; and every prisoner not committed for treason or felony, giving good security, (at the discretion of the court,) to keep within the said rules and bounds, shall have liberty to walk therein out of the prison for the preservation of his health, and keeping continually within the said bounds, shall be adjudged and admitted in law a prisoner."

The act of February 7, 1807, above referred to, provided "That if any person or persons, taken or charged in execution, shall enter into bond with good and sufficient securities, under a reasonable penalty, upon condition that he or they shall not depart or go out of the rules or bounds of the prison to which he or they shall be committed, it shall be lawful for the sheriff, in whose custody such prisoner shall be, to permit him or them to go out of the prison and return at their pleasure." An act of December 23, 1824, superseded these laws, and required county officials "to mark and lay out, the bounds and rules of their respective prisons, not exceeding one mile from the jail, which marks and bounds shall be recorded and renewed, or altered from time to time, as occasion may require." The conditions under which a prisoner in a civil action for debt or damages might have the freedom of the prison bounds remained the same as in the former laws. This law, in turn, was repealed by act of June 30, 1837, and the boundaries of the different counties were fixed as "the limits within which prisoners confined for debt shall be restricted, on entering into bond. . . . to keep within the prison bounds." It was further provided that plaintiffs in suits should not thereafter be compelled to pay for the support of prisoners who took the benefit of the bounds.

With the foregoing revisions, the laws governing prison bounds were incorporated in the codes of 1852 and 1867, and continued in force until abrogated, together with those regarding insolvent debtors, by section 22, article 1 of the constitution of 1868, forbidding imprisonment for debt.

Ex Parte John Hardy.—The whole subject of imprisonment for debt, both its constitutional, its legal and its historical phases, is discussed at length in the opinion of the supreme court in the case of *Ex parte John Hardy* (68 Ala., pp. 303-352), which was an

application for a writ of habeas corpus, denied by the lower court, for the release of John Hardy, a citizen of Dallas County, committed to jail for contempt of court, consisting in his refusal to obey the court's order that he surrender certain securities in settlement of a judgment debt. The court by a majority held that such imprisonment was tantamount to imprisonment for debt, and granted the petition for release from custody; but the chief justice, dissenting, held the opposite doctrine, and submitted an elaborate argument in support of his opinion. Other decisions bearing upon the subject will be found in the list of references hereto.

REFERENCES.—*Constitution* 1819, art. 1, sec. 18; 1861, art. 1, sec. 18; 1865, art. 1, sec. 22; 1868, art. 1, sec. 22; 1875, art. 1, sec. 22; 1901, sec. 20; Toulmin, *Statutes of Mississippi Territory*, 1807, pp. 175-200, 215-218; and *Digest*, 1823, pp. 178, 289-324, 520-521, 657, 659; Aikin, *Digest*, 1833, pp. 225-231, 351-352; Clay, *Digest*, 1843, pp. 272-278, 499; *Code*, 1852, secs. 2175-2191, 2734-2749; 1867, secs. 2574-2592, 3173-3188; 1876, secs. 3550 (p. 798, footnote), and 4494 (p. 943, footnote); *Acts*, 1824-25, p. 34; 1837, p. 7; 1838-39, pp. 80-81; *Allen v. White, Minor*, p. 289; *Keenan v. Carr*, 10 Ala., p. 867; *Nelson v. State*, 46 Ala., p. 186; *Morgan v. State*, 47 Ala., p. 36; *Caldwell v. State*, 55 Ala., p. 133; *Ex parte John Hardy*, 68 Ala., p. 303; *State v. Allen*, 71 Ala., p. 543; *State v. Bauerman*, 72 Ala., p. 252; *Lee v. State*, 75 Ala., p. 29, and *State v. Leach, Ibid*, p. 36; *Tarpley v. State*, 87 Ala., p. 271; *Wynn v. State*, 82 Ala., p. 55, and *Smith v. State, Ibid*, p. 40; *Bailey v. State*, 87 Ala., p. 44; *Ex parte Russellville*, 95 Ala., p. 19; *Ex parte King*, 102 Ala., p. 182; *Carr v. State*, 106 Ala., p. 35; *Brown v. State*, 115 Ala., p. 74; *Chauncey v. State*, 130 Ala., p. 71; *Gray v. State*, 140 Ala., p. 183.

IMUKFA. An Upper Creek town on the north or right bank of Imukfa Creek, in the southern part of Clay County. The people of the town were a vigorous and hearty branch of the Muscogees, and in 1799, Hawkins says that they had "fine rich plats on the creek, and a good range for their cattle; they possess some hogs, cattle and horses, and begin to be attentive to them." The word is Hitchiti, meaning a shell, or a metallic ornament of concave shape. Hawkins defines it as "a gorget made of conch." At or near this village Jackson fought the Creek Indians on January 22, 1814, or perhaps more properly, he successfully defended himself against their attack at that point, following the battle of Enitachopco.

See Emuckfau; Okfuski.

REFERENCES.—Gatschet, in Alabama History Commission, *Report* (1901), vol. 1, p. 398; Hawkins, *Sketch of the Creek Country* (1848), p. 47; *Handbook of American Indians* (1907), vol. 1, p. 603.

INAUGURATION EXERCISES. See Davis, Jefferson, in Alabama; Governor.

INCOME TAX. A tax upon incomes of individuals and corporations is the newest method adopted for raising public revenue.

The taxation of incomes had for several years been considered in various States, and in 1913 such taxes were made a part of the Federal fiscal policy. By a resolution of Congress, July 12, 1909, the sixteenth amendment to the United States Constitution, permitting the levy of an income tax by the Government, was submitted to the legislatures of the several States. During a period of three and a half years, the question of its ratification was before the people. Alabama acted on August 17, 1909, being the first of the States to ratify. On February 25, 1913, the Secretary of State announced its ratification by 38 States.

On October 3, 1913, Congress passed the income-tax law. It became effective November 1, 1913. The income tax is collected in connection with the internal revenue (q. v.) and the administration of the law in this State is under the Collector of Internal Revenue at Birmingham. Under its provisions, Alabama citizens and corporations paid a total income tax, during the fiscal year ending June 30, 1915, of \$261,760, of which \$84,633 was reported by individuals, and \$177,127 by corporations. There were 1,908 individuals so reporting. For the year ending June 30, 1916, a total of \$311,552 was paid, \$109,983 by individuals, and \$201,568 by corporations. The number of individuals paying the tax was 1,791, of whom 1,428 were married men, 243 single men, 121 single women, and 9 married women who rendered separate returns. The income-tax returns from Alabama for 1915 and 1916 were:

Net Income	1915	1916
\$ 2,000 to \$ 4,000	489	437
4,000 to 5,000	377	319
5,000 to 10,000	761	679
10,000 to 15,000	192	183
15,000 to 20,000	19	81
20,000 to 25,000	24	36
25,000 to 30,000	16	21
30,000 to 40,000	16	14
40,000 to 50,000	5	6
50,000 to 75,000	6	11
75,000 to 100,000	2	2
100,000 to 150,000	—	—
150,000 to 200,000	1	1
200,000 to 250,000	—	1

The aggregate Federal income tax collected in Alabama during each of the years in which it was in effect, from 1866 to 1916, is shown below:

1866	\$ 3,568.75
1867	404,036.77
1868	179,825.32
1869	81,092.95
1870	185,284.07
1871	78,249.54
1872	35,799.41
1873	9,442.75
1895	108.78
1914	218,629.27
1915	261,760.79
1916	311,552.33
Total	\$1,769,350.73

REFERENCES.—U. S. *Statutes at Large*, vol. 38, pt. 1, pp. 166-181; Com. of Int. Rev., *Annual reports*, 1914, pp. 110-113, and 1915, pp. 114-117;

U. S. *Constitution*, 16th amendment; Com. of Int. Rev., *Regulations* (1913), p. 10; Mortimer L. Schiff, "Some aspects of the income tax," in *Annals of the Am. Acad. Pol. and Soc. Sc.*, vol. viii, Mar. 1915, pp. 15-31; National Tax Association, *Proceedings*, 1914, pp. 264-269, 298-313, and 1915, pp. 279-334; *Acts*, 1909, pp. 13-14.

INDEMNITY LANDS. Lands certified to the State by the United States Government as compensation for deficiencies in the lands actually received under original grants, whether sixteenth sections held by the State in trust for the public schools of the several townships, or the swamp and overflowed lands donated outright to the State. All of these lands remaining undisposed of are at present under the jurisdiction of the State auditor (q. v.), by an act of June 19, 1915, and he is allowed an additional clerk to keep the necessary accounts and records. At the same time, under act of August 2, 1915, amending section 1782 of the code of 1907, the superintendent of education is authorized to sell, subject to the approval of the governor, all school and indemnity lands, or any part of the timber thereon. Sales of indemnity lands have been made from time to time since 1895, but the amount of the proceeds can not be stated because they have sometimes been combined in the auditors' reports with those from sales of sixteenth sections. In 1913 the superintendent of education issued a bulletin prepared by W. J. Martin, State land agent, showing the indemnity lands which were to be sold publicly on various dates, beginning April 21, 1913. The lands were described as to location and as to approximate value of mineral contents. Detailed information regarding actual sales made is not at present accessible.

Genesis.—As early as 1872 the attention of the legislature had been directed to the act of Congress of February 26, 1859, under which the State was entitled to receive from the Government considerable acreage, "in the place of the sixteenth section lost by reason of private claims, pre-emption, Indian claims, or where the sixteenth section is wanting by reason of State boundaries, rivers, etc."; in lieu of swamp and overflowed lands (q. v.), granted by act of Congress, September 28, 1850, but not received for similar reasons; and also to receive compensation for 5 per cent of the value of lands granted to the State upon its admission to the Union, which had been disposed of by military warrants and land scrip issued for military services in the wars of the United States.

A joint resolution of March 18, 1873, authorized the governor to appoint an agent in behalf of the State "to prosecute to final decision before Congress or in the courts," its claims on account of the two and three per cent funds (q. v.). The agent was to be allowed "such a compensation as shall be agreed upon between the governor and said agent, and to be paid only after the recovery of the claim, in whole or in part, and not to be paid out of any other fund." It was further provided "that the State shall not be otherwise liable for any expense whatever attending the prosecution of such claim."

Apparently no appointment was made under this authority, and no active steps in the prosecution of the claims were taken during the following six years.

The matter came before the legislature again in 1878, and an act was passed on February 12, 1879, which provided, among other things, "that the governor of the State be empowered, at his discretion, to employ under written contract such agent or agents as he may deem necessary under the present or any future act or acts of congress, to select and locate any swamp and overflowed lands heretofore granted or that may hereafter be granted to the State by the congress of the United States, such agents to be paid only out of the proceeds of sales of swamp and overflowed lands."

State Agent Appointed.—In December, 1879, Gov. R. W. Cobb entered into a contract with John H. Caldwell, of Calhoun County, whereby the latter undertook, for a contingent remuneration, not only to prosecute the claims specifically set forth in the legislation referred to, but also "to examine into and ascertain what amounts are due from the United States to the State of Alabama on account of grants heretofore made or to be hereafter made by Congress to said State, and as such agent to receive and receipt in the name of the State, for all amounts which may be paid by the United States, as now due to the State of Alabama, on account hereinbefore mentioned, and to locate all swamp and overflowed lands not heretofore secured and located to the State." The contract with Mr. Caldwell was renewed by Gov. E. A. O'Neal, January 8, 1885, and Charles M. Shelley was associated with him under a similar contract. The claims of the State were vigorously pressed by the agents, and during the year 1886, they obtained from the Government, scrip for 33,884.91 acres of swamp and overflowed lands.

On February 28, 1887, the legislature conferred more specific powers upon the governor for the purpose of securing to the State "the benefits resulting from all claims against the United States under existing laws or laws hereafter enacted." The act also authorized the governor to have the lands called for by the scrip already obtained selected and certified to the State. On December 11, 1886, the governor had been empowered to sell the indemnity swamp and overflowed lands, or the equivalent scrip. Pursuant to the first-mentioned act, Gov. Thomas Seay made a new contract with Mr. Caldwell, who shortly instituted proceedings against the United States; and, under a decision of the United States Supreme Court rendered October 24, 1887, the accumulated net proceeds of the two and three per cent funds, which had been withheld on the ground that the State had never paid its quota of the direct tax (q. v.) levied by Congress in 1861, were paid into the State treasury. The State's prorata of this tax was \$529,313.33, and it had been thought to constitute a set-off against the claims of the State. However, the

Supreme Court held otherwise, and the accumulations have since been paid over in accordance with the act of admission. The cost of litigation and the other expenses of collection were defrayed by the agent of the State.

In his report to the governor in 1889, Mr. Caldwell included certain information with respect to the claim of the State for indemnity school lands, under section 2275 of the United States Revised Statutes. He advanced the argument that the State was entitled to make its selections of such lands from any of the Government lands within its boundaries. The administration at first opposed this construction of the law; but, after much delay and litigation, the right of the State in behalf of the townships was affirmed, and the agent made selection of all indemnity school lands from the reserved mineral lands. His success in this particular was a considerable service to the school system, for the indemnity lands in the mineral district were of greater value and more readily saleable than the sixteenth sections originally granted in the several townships would have been.

Sales Authorized.—On December 9, 1890, the legislature authorized the superintendent of education to sell the school indemnity lands, subject to the approval of the governor, at public or private sale, and for cash or part cash and part on time; provided that in no case should there be less than one-fourth of the purchase money in cash, and that the remainder should be paid in yearly installments, extending over a period of not more than three years, and secured by notes, with approved sureties, bearing interest from the date of sale. The proceeds of such sales were to be divided as follows: one-fourth to be paid to the agent of the State, and three-fourths into the State treasury to the credit of the school fund of the township to which the land belonged. It further authorized him to lease any of the lands for a term not exceeding 5 years, or to dispose of the minerals from them upon a royalty basis for a term not exceeding 20 years.

On December 12, 1892, an act was passed at the suggestion of Gov. Thomas G. Jones, providing for partitioning the indemnity lands between the State and Mr. Caldwell in accordance with the contracts under which they had been secured. This was done, one-fourth going to Caldwell, and the remainder to the State. Deeds to Caldwell for his lands were executed by the governor in behalf of the State. Gov. Wm. C. Oates informed the legislature on November 19, 1896, that the partition had been made. Up to the end of 1894 none of the State's share of the lands had been sold, the governor believing that the general unprosperous conditions prevailing during the previous two years made it inadvisable to place them on the market.

On February 19, 1899, the senate adopted a resolution calling on the governor and the superintendent of education to report the exact number of acres of indemnity lands received from the Government, their location and

value, and their character; that is, "whether coal, iron, mineral, agriculture [sic] or timber lands"; the amount of the five per cent fund received and the disposition made of it; the consideration paid by John H. Caldwell for the lands deeded to him by the State, "and why it was that such great amount of said lands and such fund was paid said John H. Caldwell; and any other facts or information calculated to throw light and information upon this important matter." Gov. Joseph F. Johnston and Supt. of Education John W. Abercrombie replied on February 23. They reviewed the various transactions in connection with the indemnity lands, and cited the terms of the contracts under which they had been secured by Caldwell as agent for the State. The governor gave the total number of acres received as 35,395, and their location and character as mineral lands in Bibb, Jefferson and Walker Counties; but he did not state what proportion was school indemnity and what swamp and overflowed land. On the same day an act was approved which authorized the governor to employ an agent "for the purpose of examining into the sale and disposition heretofore made of school, or other lands belonging to the State with a view of recovering to the State lands which have illegally passed out of [its] possession."

See Auditor, The State; Sixteenth-Section Lands; Land Agent, the State; Swamp and Overflowed Lands; Two and Three Per Cent Funds.

REFERENCES.—*U. S. Rev. Stat.*, secs. 2275-2277; *U. S. Stat. at Large*, vol. 11, p. 385; *Code*, 1896, secs. 3661, 3665; 1907, secs. 1782-1803; *Acts*, 1872-73, pp. 535-536; 1878-79, pp. 198-199; 1886-87, pp. 73-74, 162; 1890-91, pp. 88-91; 1892-93, p. 74; *General Acts*, 1898-99, p. 116; *Ibid*, 1915, pp. 217, 266; Gov. Thomas Seay, "Message," in *Senate Journal*, 1886-87, pp. 441-443, and *Ibid*, 1888-89, pp. 245-247, and *Ibid*, 1890-91, pp. 25-26; Gov. Thomas G. Jones, *Ibid*, 1892-93, pp. 123-124, *Ibid*, 1894-95, p. 58; Gov. Wm. C. Oates, *Ibid*, 1896-97, p. 133; Gov. Joseph F. Johnston, *Ibid*, 1898-99, pp. 1136-1137; *Senate Journal*, 1898-99, pp. 1079-1080; Thomas Donaldson, *The public domain* (H. Mis. Doc. 45, pt. 4, 1884, 47th Cong., 2d sess.), pp. 223-231, 710-711, 1249-1250; Stephen B. Weeks, "History of public school education in Alabama," (in *U. S. Bureau of Education Bulletin* No. 12, 1915), pp. 26-41; W. J. Martin, State land agent, *Report*, Apr. 20, 1911-Dec. 16, 1914 (1914, pp. 29), and "Sale of indemnity lands," in *Dept. of Education, Bulletin*, Apr. 1913 (1913, pp. 12); John H. Caldwell, *Report to Gov. Thomas Seay*, in *House Journal*, 1888-89, pp. 977-990.

INDEPENDENCE DAY. See Special Days.

INDIAN CHIEFS AND ASSOCIATED CHARACTERS. The characters discussed here have so much association with the historic connections of the State, that these sketches, while largely of a biographical nature, are given in this place because they present information not shown under other titles.

ALECK, CAPTAIN, or CAPTAIN ELICK, Creek Chief. The few general facts of the early life of this Lower Creek chief, as given by himself, are that he had lived so long among the white people that he looked upon himself as much a white as a red man; that the white people had given him the name he bore, Captain Aleck, and that he had always lived in friendship with the English.

Apart from these statements, an evidence of Captain Aleck's association with white people is the letter A, the first letter of Aleck, which he adopted as his mark in signing his name. That Captain Aleck had always been a true friend of the English is borne out by all the recorded facts extant of his history. He showed his loyalty by his actions. The first notice of him is in 1754, when all things pointed to rupture between England and France and between England and Spain. On November 11, accompanied by a few followers, he called on Governor John Reynolds in council in Savannah and informed him that the French had persuaded some of the Upper Creeks to come to Mobile and receive presents, and the Spaniards had done likewise in persuading some of the Lower Creeks to come to Pensacola for the same purpose. That he had not yet learned the objects of the French and Spaniards in these matters, but if he succeeded in doing so, he would inform the Governor. Captain Aleck's talk agreed with the reports that had already come to the ears of the Governor that the French and Spaniards were very busy in endeavoring to win the Creeks over to their respective interests. Some presents were the next day presented to Captain Aleck and his followers, with which they were well pleased.

On May 11, 1757, Captain Aleck and his brother Will, accompanied by twelve men and women, had a talk with Governor Ellis in the council chamber in Savannah. After a conversation on several topics, the Governor told Captain Aleck that the Creeks should join no party to the prejudice of the English, to which Captain Aleck gave his full assent. The Governor then expatiated largely upon the cruelties of the French in all their proceedings, and instanced a recent attempt by them to induce the Choctaws and Cherokees to exterminate the Chickasaws, which attempt proceeded solely from this desire to get possession of the lands of the Chickasaws. That the Great King expected the Creeks to join the English and assist them in driving back the French, who were daily encroaching on the Indians' lands, and who, if they should grow stronger, would treat the Creeks as they had lately tried to treat the Chickasaws. On the contrary, the English had honestly paid for the lands which they got from the Indians. But the policy of the French was to become masters of the Indians' lands, after murdering the Indian inhabitants; and their present designs were either to cut the Indians off entirely, or to reduce them, their wives and children, to a state of slavery. The English, on the other hand, were a people fond of trade and sent their ships laden with merchandise to all parts of the world; that