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THE FLAG OF THE REPUBLIC OF ALABAMA AN ODYSSEY

by

W. Stanley Hoole

At twenty-five minutes past two o'clock on Friday afternoon, January 14, 1861, hundreds of men and women — many of whom had waited for hours in the porticoes, rotunda, and corridors of the Alabama State Capitol . . . gave three loud, lusty cheers and crowded into the House Chamber and gallery, shouting as they went. On the rostrum, President William M. Brooks tried in vain to bring the Alabama Secession Convention to order. Outside, in the courtyard, a cannon roared, heralding the news that the State of Alabama had at last withdrawn from the Union and was now a free, sovereign, and independent republic.¹

Almost simultaneously with the shouting and the shooting, a large flag, approximately 16 x 20 feet so large as to stretch across the ample floor of the House, was brought in and unfurled. Dark blue in color and made of silk it bore on one side the Goddess of Liberty, holding in her right hand an un-sheathed sword, and in her left a small flag with a single star and the word *Alabama*. Above was inscribed the motto, *Inde-*

This description of the events surrounding the passage of the Ordinance of Secession is based on the following sources: William R. Smith, *History and Debates of the Convention of the People of Alabama . . .* (Atlanta, 1861), 117-122; *Montgomery Daily Mail*, *Montgomery Weekly Advertiser*, January 11, 1861; David L. Darden, "The Alabama Secession Convention." *Alabama Historical Quarterly*, III, (Fall-Winter, 1941), 269, 451, hereafter cited as AHQ; C. P. Denman, *The Secession Movement in Alabama* (Montgomery, 1933); *Journal of the Convention of the People of the State of Alabama . . . , Commencing on the 7th Day of January, 1861*. (Montgomery, 1861; Robert Jemison to his daughter, Montgomery, January 10, 1861, Robert Jemison Collection, (W. Stanley Hoole, Special Collection, University of Alabama Library, Tuscaloosa), Dr. William H. Mitchell to his wife, Montgomery, January 11, 1861, The Rev. William Henry Mitchell Papers, (State Department of Archives and History, Montgomery), quoted in *Montgomery Advertiser*, January 8, 1911; and Basil Manly's Diary, December 24, 1860-February 1861, Manly Family Papers, (W. Stanley Hoole Special Collection, University of Alabama Library, Tuscaloosa). See also Frank L. Owsley, Jr., John Craig Stewart, and Gordon T. Chappell, *Know Alabama: An Elementary History* (Montgomery, 1970), 235-236.

pendent Now and Forever. On the other side was a large cotton plant in full bloom, above which was the state seal, and below a rattlesnake and the words *Noli Me Tangere*. Men stood on chairs and tables to hold the flag horizontally, the better to display the beauty of its painted designs — and amid the deafening cheers and applause men and women hugged each other and wept unashamedly. The moment was the most historic, the most exciting in the state's forty-two-year-old history.²

At the height of the excitement William Lowndes Yancey, a delegate from Montgomery and unquestionably the leader of the Secessionists, stood to address the disorderly assembly. Quieting the crowd with outstretched arms, he accepted the flag on behalf of the convention, profusely thanking the ladies of Montgomery for their ennobling generosity in having made the flag and presented it to the State of Alabama. The cotton plant, he said, depicted the source of the state's wealth, the rattlesnake was coiled to "manifest our determination to defend our rights. . . . [It] is peaceful and harmless unless disturbed; but death to the individual who assaults it." Then, he added,

To say that this flag is presented by ladies who are beautiful would be but the least part of their praise, for beauty is the least desirable of woman's perfections. It is presented by the noble hearted, pure and patriotic women of Montgomery, on whose cheeks the tears of regret for sons and brothers who have already gone to fight their country's battles have not yet dried.³

Yancey was followed by William R. Smith, a Cooperationist from Tuscaloosa, popularly known as "Little Billy," who had voted against the passing of the Ordinance of Secession. After apostrophizing the Stars and Stripes, he continued.

Now, as we lower this glorious ensign of our once vaunted

²An announcement regarding the making of the flag by "the maids and matrons of Montgomery" had appeared in the *Montgomery Daily Mail*, November 10, 1860. A photograph of an artist's conception of the flag (not of the flag itself) may be seen in David L. Darden, "The Alabama Secession Flag," *AHQ*, III, (Fall-Winter, 1941), 364-367.

³Smith, 120, states that he was unable to secure a copy of Yancey's acceptance speech. This is taken from Dr. William H. Mitchell's letter to his wife (see note 1, above), and *Montgomery Advertiser*, January 8, 1911.

victories . . . , we accept this Flag. It is presented by the ladies of Alabama. I see upon it, a beautiful female face,

Oh! Woman! in our hours of ease,
Uncertain, coy, and hard to please,
And variable as the shade
By the light quivering aspen made;
When pain and sorrow wring the brow,
A ministering angel thou!

Presented by the daughters of Alabama! The history of the world teaches, that in times of trouble and danger to her country, woman is always in the van. Her heroism is reserved for revolutions. She has been known to tear the jewels from her ears, the diamonds from her neck, and the rings from her fingers, and sell them to buy bread for the starving soldier. Nay, in order to aid a struggling army, we see her cutting the glorious locks that adorn her beauty, and consent for them to become the "dowry of a second head." What wonder, then, that now, in these stirring times, when "grim visaged war" wrinkles the brow of Peace — what wonder that the daughters of Alabama should thus endeavor to import to our veins the burning currents of their own enthusiasm! What wonder that they should strive, by these graceful devices of female ingenuity, to lift us up to the height of their own hallowed inspiration!

We accept this flag; and though it glows with but a single star, may that star increase in magnitude and brilliancy, until it out-rivals the historic glory of the Star-Spangled Banner!⁴

⁴Smith, 119-122. Smith also footnoted this sonnet of his own, apparently written after the convention, stating that "only the fervor of such enthusiasm as prevailed at this time could tolerate the extravagant hyperbole":

THE LOST PLEIAD FOUND

Long years ago, at night, a female star
Fled from amid the Spheres, and through the space
of ether, onward, in a flaming car,
Held, furious, headlong, her impetuous race:
She burst her way through skies; the azure haze
of Heaven assumed new colors in her blaze
Sparklets, emitted from her golden hair,
Diffused rich tones through the resounding air;
The neighboring stars stood mute, and wondered when
The erring Sister would return again:
Through Ages still they wondered in dismay;
But now, behold, careering on her way,
The long-lost PLEIAD! she takes her place
On ALABAMA'S FLAG, and lifts her RADIANT FACE!

Upon the motion of Edmund S. Dargan, a Secessionist from Mobile County, a resolution was unanimously passed to accept the new flag, stating "that it shall hereafter be raised upon the Capitol, as indicative whenever the Convention shall be in open session." Thomas H. Watts, of Montgomery, objected to the statement, declaring that he wanted the flag to float above the Capitol dome "forever," but Dargan's motion carried.⁵ President Brooks, of Perry County, appointed fellow Secessionist Alpheus Baker, a delegate from Barbour County, officially to thank the ladies for "their patriotic present," and amid the wildest enthusiasm, which had now spread from the Capitol down "Goat Hill" and throughout the streets of the city, the convention adjourned until the next morning and the multitude, still cheering, moved slowly out to mill about the lawns and gardens.

At six minutes before three o'clock the new flag was run up on a staff on the Capitol dome, under the direction of Dr. Samuel Rambo, a local dentist.⁶ As it swang out in the winter wind, Miss C. T. Raoul applied a match to the cannon in the courtyard, firing the first official shot.⁷ A second shot was touched off by Abram J. Walker, Chief Justice of the Alabama Supreme Court. Then followed ninety-eight more rounds, all in joyous celebration of the state's withdrawal from the Union as a separate and independent republic.

By now the crowd, which had grown larger by the minute, was all but frenzied with excitement. The cannon was continually fired throughout the afternoon and into the night — and, suddenly, as if by magic, small replicas of the flag atop the Capitol appeared in countless windows and towers of the surrounding houses. "Every species of enthusiasm prevailed," William R. Smith recorded, men and women, forgetting their differences of opinions, political and otherwise, shouted and

⁵*Journal of the Convention of the People . . .*, 44.

⁶This was probably Dr. Samuel Rambo, a 42-year-old Montgomery dentist. See U.S. *Census* (ms.). Montgomery County, Ala., 1860, p. 167, and *Montgomery Directory for 1859-1860*, . . . comp. by Mears & Turnbull (Montgomery, 1859), 66.

⁷This was probably Miss Caroline Theus Raoul, daughter of Frederic and Mary Grace Cooper Raoul of Mount Meigs, M. P. Blue, *City Director and History of Montgomery . . .*, 1878 (Montgomery, 1878), 175.

sang, enraptured by the universal glow of fervent patriotism.⁸

Johnson Jones Hooper, nationally known author of *The Adventures of Captain Simon Suggs of the Tallapoosa Volunteers* and now editor of the *Montgomery Daily Mail*,⁹ described the historic occasion under the caption *Te Deum Laudamus* in these fervent words:

By this time, all the bells in all the steeples of the city were ringing a merry peal, for Deliverance and for Liberty. Eager hundreds thronged the streets; friends met, wept, and embraced; [and] boys fired crackers . . . It was a great day . . .

As night closed in, the illuminations of Montgomery Hall, the Theatre, the **Advertiser** office, the **Mail** office, the Telegraph office, and many places of business . . . attracted universal attention. And by the light of bonfires, in the street speeches were made to thousands by (Former) Governor J. W. Matthews of Mississippi, Colonel S. A. Jones, of Georgia, Hons. J. L. M. Curry, A. B. Meek, T. H. Watts and others of Alabama.

One of the noticeable [incidents] of the occasion was the running up, as the cannon fired, of the Lone Star, on the tower of the resident of Hon. T. H. Watts. At the same signal the locomotives of the West Point railroad — —all previously "fired up" — made a glad discord with their steam whistles.

And so, all hail! to the glorious, free and independent Flag of the Sovereign Republic of Alabama! Forever may it wave in honor of a happy, chivalrous and united people. And to that sentiment, we know that all our people will say "amen."¹⁰

The *Montgomery Weekly Post*, which, as did other state

⁸Smith, 122; Joseph L. Hodgson, *The Cradle of the Confederacy: or The Times of Troup, Quitman, and Yancey* (Mobile, 1876, 525; John W. DuBose, *The Life and Times of William Lowndes Yancey* (Birmingham 1952), 561-562.

⁹W. Stanley Hoole, *Alias Simon Suggs: The Life and Times of Johnson Jones Hooper* (University, Ala., 1952). 148-160. Hooper was later elected secretary of the Confederate Congress.

¹⁰Hooper, a fiery Secessionist, "tired of waiting on the cautious movements of the Secession Convention," on January 10 hung out his own "flag of the Republic of Alabama" from the window of the *Mail Office*, 94 Commerce Street. The deep blue banner, 18 x 12 ft., carried a six-foot silver star with the letter A in red in its center. Hooper had borrowed the flag from Admiral Stone, commander of the Alabama River Fleet, who had recently brought the steamer *Le Grande* up from Mobile (*Montgomery Daily Mail*, January 11, 1861).

papers, printed the Ordinance of Secession in its entirety, stated on January 16 that,

The Lone Star Flag floated from the dome of the Capitol and was immediately greeted with the booming of the cannon, the ringing of the church and the fire bells, and the shouts of the people. The most intensive excitement prevailed, and the streets were thronged. . . .

We presume now that no citizen of Alabama can hesitate for a moment, as to what his duty is, and that every good and loyal citizens of the State, will be ready to perform their duty with alacrity. Whatever may have been our views as to matters of policy in the past, they enter not into the duties and responsibilities of the present . . . So far as the action of the Convention is concerned, we think it has acted prudently and wise.

And the *Weekly Advertiser*, under a banner, "Alabama Out of the Union — A Glorious Day," continued:

After passage of the Ordinance of Secession and the adjournment of the Convention, the enthusiasm of the outside crowd found expression in an immediate meeting in front of the Capitol. A stand was erected upon the steps, and a large number of ladies and gentlemen . . . all of whom . . . expressed their determination, now that the act had been consummated, to stand by the sovereign decision of the Convention, as becomes the duty of every good law-abiding citizen.

The meeting then adjourned with the announcement that another assembly had been planned for the evening at Montgomery Hall. On this occasion an "even larger gathering of ladies and gentlemen" listened to other speakers and the utmost good feeling was everywhere prevalent." And then, as if in doubt, the editor added, "May union and harmony alike prevail in every portion of the State."¹¹

The convention reassembled for its sixth session on January 12. Thereafter, until March 21, it met regularly in both

¹¹Montgomery *Weekly Advertiser*, January 12, 1861. The speakers were Robert Jemison (Tuscaloosa), J. J. Seibels (Montgomery), H. C. Jones (Lauderdale), J. L. Sheffield (Marshall), W. S. Earnest (Jefferson), B. S. Bibb (Montgomery), J. L. M. Curry (Talladega), J. W. Matthews (Mississippi), S. A. Jones (Georgia), John E. Moore (Lauderdale), A. C. Beard (Marshall), and T. H. Watts (Montgomery).

open and secret sessions (except for a recess, February 9 - March 3), debating such "grave and momentous" matters as the establishment of military defenses for the state, the issuance of bonds, the sending of troops to Fort Barrancas and Fort Pickens at Pensacola, the confiscation of Forts Morgan and Gaines at Mobile and the United States Arsenal at Mt. Vernon, and the passing of numerous other ordinances. Standing committees on foreign relations, imports and exports, postal arrangements, relations with the United States Government, military affairs, and other subjects were appointed.¹² And as a break in the tiring routine, the convention was recessed for several hours to welcome the University of Alabama Corps of Cadets, "a fine body of young man," Colonel Caleb commanding, which performed "an admirable drill on the Capitol grounds," and stood in review for Alabama's Governor A. B. Moore.¹³

Meanwhile, the flag of the "Sovereign Republic of Alabama," as it was repeatedly called, continued to fly above the Capitol. For exactly one month, until February 10, it remained aloft, proclaiming the dissolution between the State of Alabama and the United States of America. The day before, on the ninth, according to the *Montgomery Daily Mail*, the flag was encircled and all but hidden by smoke arising from the cannon which was repeatedly fired to celebrate the election of Jefferson Davis and Alexander H. Stephens as president and vice president of the Confederate States of America.¹⁴

On the morning of the tenth the flag was taken down by four men: A. B. Clitherall, assistant secretary of the Secession Convention, Ferie Henshaw, W. J. Greene, and Johnson Hooper, the fiery editor of the *Mail*, "in order to make room

¹²*Ordinances and Constitution of the State of Alabama, with the Constitution of the Confederate States of America* (Montgomery, 1861), *passim*.

¹³*Journal of the Convention of the People . . .*, 121; Smith, 187, 189; *Montgomery Daily Mail*, January 26, 1861; *Manly Dairy*, January 25, 1861. The 125 cadets accompanied by President L. C. Garland and Major J. T. Murfree, were addressed by A. B. Meek, speaker of the House of Representatives. Afterwards, the visitors were guests at "a complimentary ball, given by the citizens of Montgomery."

¹⁴Davis arrived in Montgomery on February 16 and was inaugurated two days later (*Montgomery Daily Mail*, February 19, 1861.) A photograph of the inauguration may be seen in Francis T. Miller, *The Photographic History of the Civil War* (New York, 1911), IX 291.

for the flag of the Confederate States of America, which will, ere long, and we trust forever, be flung to the breeze on the soil of Alabama, and in Montgomery, as the Capitol of the Confederacy." In a letter addressed to Governor Moore and published in the *Mail* the men explained their action:

The flag was left flying last night from the dome of the Capitol. We found it this morning, "though torn, still flying," and being satisfied, that in a few hours, the gale now blowing, would have entirely destroyed it, we have taken the responsibility of hauling it down, and now deliver it to you, that it may be placed in the archives of the State, in perpetual memory and honor of the Act of Secession in Alabama on the eleventh of January, 1861, and the ladies of Montgomery by whom it was presented to the State.¹⁵

Throughout the remaining days of the Secession Convention and during the first Confederate Congress which met thereafter, and, indeed, throughout fifty long months of bloody fratricidal war, the Alabama flag remained safely stored in the state archives.

However, at eight o'clock on the morning of April 12, 1865, a detachment of Major General James H. Wilson's United States Cavalry, composed of the 1st Michigan and the 8th Iowa Regiments, Brigadier E. N. McCook commanding, entered and occupied Montgomery without opposition, the city having been evacuated the night before.

The Stars and Stripes are floating over the Capitol of Alabama (Major E. B. Beautmont wrote Colonel R. H. G. Minty, April 12). General McCook entered the city this morning without firing a shot. There is no good place to camp off the Hayneville Road. Find the best camp you can. General Wilson does not want to have any enlisted men in the city.¹⁶

Despite General Wilson's wishes, the troopers apparently moved about the city at will. In any case, when they departed two days later for Tuskegee, Columbus, and West Point, one of the troopers (who has to this day remained unidentified)

¹⁵Montgomery *Daily Mail*, February 11, 1861; Montgomery *Advertiser*, January 8, 1911.

¹⁶*The War of the Rebellion: Official Records of the Union and Confederate Armies* (Washington 1880-1902), SLIX (2) 331, 332. See also reports in XLIX (1).

serving in the 8th Iowa Regiment, Colonel Joseph H. Dorr commanding, confiscated the Alabama flag — the flag of the short-lived Republic of Alabama — and took it with him to his home in Iowa, 1,400 miles away.¹⁷

For thirty years following the war Alabama had no state flag. Then, on February 16, 1895, the legislature passed an act, officially adopting a flag bearing a crimson cross of St. Andrew upon a field of white. The flag, like those of Mississippi, Florida, Georgia, was chosen out of respect for the Confederate Battle Flag which it resembles.¹⁸

In the mid-1920's, sixty years after it had been stolen, a search for the first Alabama Flag was initiated by Miss Frances Hails, a member of the staff of the Alabama State Department of Archives and History. Five years later, in 1929, it was located in the Iowa Historical Society where it had been kept since 1892, at which time it had been obtained from the family of the anonymous and now deceased cavalryman who had taken it. Immediately, Mrs. Marie Bankhead Owen, director of the department, began negotiations for the return of the honored banner to its rightful home.

It was not an easy or simple task. Officials of the Iowa Historical Society stated that they did not have the authority to release the flag. They would never give it up, they said, unless ordered to do so by the Iowa legislature. The negotiations continued for ten years without success.¹⁹

Finally, in 1939, H. M. Stanfill, president of the Mobile Chamber of Commerce, whose help Mrs. Owen had sought, secured the advise of Senator Lister Hill. Hill, who had served in the Senate only one year, conferred with Senator Clyde Herring of Iowa, William Waymark, editor of the Des Moines *Register*, John D. Adams, secretary of the Des Moines Chamber of Commerce, William Riley, a leading Iowa lawyer, and with his brother, Luther L. Hill, who, fortunately, was at that time living in Des Moines. The plan worked: on February 27,

¹⁷*Ibid.*, XL (2), 402-403.

¹⁸*Alabama Acts (1894-1895)*, 719, Marie B. Owen, *The Story of Alabama . . .* (New York, 1949), 216-219.

¹⁹*Montgomery Advertiser*, March 10, 1939.

1939 the Iowa legislature passed an act, ordering the immediate return of the "Flag of the Republic of Alabama to the State of Alabama." The act specified that a delegation composed of the chairman of the Senate Committee on Military Affairs, the chairman of the House Committee on Military Affairs, and one member of the Grand Army of the Republic be designated to return the flag on behalf of the State of Iowa. For this purpose the sum of \$250 was appropriated.²⁰

The Iowa delegation, consisting of Senator B. C. Whitehill, a veteran of the Spanish-American War, Representative J. A. Lucas, a veteran of the famous Rainbow Division of World War I, and 94-year-old Judge Thomas Jefferson Noll, a veteran of the Civil War and commander-in-chief of the Iowa division of the Grand Army of the Republic, left Des Moines at once and arrived in Montgomery on March 7. They were met at the Union Station by Walter S. Lawrence, a veteran of the Spanish-American War, Richard Kelly, Alabama commander of the American Legion, Silas D. Cater, commander of the Montgomery Post, American Legion, L. C. Cardinal, a Spanish-American War veteran, Walter B. Smith, a former commander of the Montgomery American Legion Post, D. Trotter Jones, adjutant of the Alabama American Legion, and Colonel William P. Screws, veteran of both the Spanish-American War and World War I.²¹

The Iowans were royally received. They were housed at the Whitley Hotel and enthusiastically entertained. On their first day they were escorted about the city. That night they were honor guests at a reception at the home of Representative A. C. Davis on South Hull Street. The next day they were luncheon guests of the three chapters of the United Daughters of the Confederacy (Sophie Bibb, Cradle of the Confederacy, and Dixie) at the Jefferson Davis Hotel, and that night they were entertained by Governor and Mrs. Frank Dixon and Stephen F. Craddock, national commander of the American Legion from Seattle, Washington. Distinguished guests at these several functions included, besides those mentioned, Former Governor

²⁰Iowa Acts (1938-1939), 51-52. The act also specified that any other men who had served in the Rainbow Division, World War I, could accompany the official delegation, provided they paid their own expenses.

²¹Montgomery Advertiser, March 8-9, 1939.

and Mrs. Bibb Graves, Mayor and Mrs. William A. Gunter, Lieutenant Governor and Mrs. Albert Carmichael, Judge and Mrs. Hugh Merrill, General Joseph R. Kennedy of Tuscaloosa, commander of the Alabama Chapter of Confederate Veterans, General Paul Sanguinetti of the United Confederate Veterans, (who was also ninety-four years old), and many others.

On March 8 the *Montgomery Advertiser* in a front page story with photographs of General Noll and Sanguinetti standing on the Confederate star on the Capitol porch, shaking hands, stated that at last the "tattered banner" which symbolized the freedom and independence of Alabama had come home in a "spirit of brotherly love and affection." In an interview Senator Whitehall stated that the Iowa legislature was convinced that "the return of the flag would bring back a lot of good friendship and fellowship between the North and the South." Representative Lucas added that the "banner was taken away in a spirit of hate and enmity, but it was now returned in a spirit of brotherly love and affection." And the dapper old General Noll, who was proudly dressed in his Yankee uniform, added that there had never been any loss of friendship so far as the North was concerned. "You fellows down here just turned your back on us for a while. Now, we're glad we're all united again in one great republic." Then with his eyes twinkling, the old veteran jokingly asked, "Say, have you fellows got a picture of Abe Lincoln anywhere around here?"

On Wednesday, May 8, before a joint session of the Alabama House and Senate, the Alabama flag severely worn and tattered was officially returned to the state in an unprecedented, solemn ceremony in the House chamber which was "festooned with Confederate and United States flags" — the same room in which it had been so proudly unfurled seventy-eight years previously. The gallery was over-flowing with spectators and many stood in the lobby, porticoes, and corridors, just as their

²²When returned, the fragmented flag was in very poor condition, too fragile to handle. It has since deteriorated further until only a small portion remains. However, two copies have been made, one for the Department of Archives and History to display and the other for the chamber of the House of Representatives. A photograph of one of these may be seen in Virginia K. Jones, ed., (Letters of Rev. W. H. Mitchell," AHQ, XXIII, (Spring, 1961), 185.

forefathers had done, "to hear though they could not see" the historic activities in progress.

Everyone stood when the two Confederate veterans, Generals Sanguinetti and Kennedy, walked to the Speaker's platform. Then followed the many dignitaries, including Mrs. Owen. The ceremony which followed the introductions was "memorable for its depth of cordiality and sentimental appeal," stated the *Advertiser*. "After long and diverse wanderings the flag of the 'Republic of Alabama' was again unfurled . . . come home to stay through the gracious gesture of the State of Iowa."

On behalf of the State of Alabama, Governor Dixon received the flag from Senator Whitehall, saying that it was "an earnest of the kindness and thoughtfulness of Iowa." Then he added,

I am moved by the same sentiment that moves every man and woman here . . . Most people in this hall had grandfathers who fought in the defeated army . . . Iowa realizes how near and dear these things are to us. We will remember always with a depth of sentiment the fine, gracious gesture of our Iowa friends.

Senator Whitehill, who had presented the flag replied:

How, when or where the (cavalryman of the 8th Iowa regiment) found this flag, we do not know, why he took it we can but conjecture. He was a soldier, and like all soldiers in any war, he took whatever he found, regardless of ownership . . .

And Senator Hill, who was not present, had sent a message which was read by Governor Dixon:

The gracious and gallant act of the Iowa legislature in returning the flag is an earnest proof that just as the men of Iowa and Alabama, as fellow soldiers in the Rainbow Division on the battlefields of France, mingled their blood and heroically fought the common enemy, so today Iowa and Alabama with common interests, common problems, and common purposes stand side by side in friendship and fraternity, striving for the happiness of their people and the welfare of our common country.

During the somewhat lengthy program Mrs. Owen, who,

according to the *Advertiser*, "perhaps gloried in the occasion more than any other person," sat with her "eyes fixed on Senator Whitehill . . . , Hanging on to his words . . . like Grant hung around Richmond."²³ And at the conclusions of the ceremonies she accepted the flag from Governor Dixon and took it to the Department of Archives and History where, its odyssey ended, it remains as one of Alabama's most treasured historical possessions.

Denouement

One question remains to be answered: was the flag which was officially accepted by the Secession Convention on January 11, 1861 — Alabama's first flag, the flag that served the state during the month that she was "free, sovereign, and independent," not affiliated in any manner with the United States but not yet one of the thirteen states of the Confederacy — was this flag the "Alabama Secession Flag" or "The Flag of the Republic of Alabama"?

That the flag was generally known and often described in the press as the flag of the republic cannot be denied. It was the republic's flag to the *Montgomery Advertiser* and the *Montgomery Mail*, the two papers which most closely covered the convention. It was also the republic's flag to the *Birmingham News* and *Tuscaloosa News*.²⁴ Thomas H. Watts, a delegate to the Secession Convention, in addressing the body on January 25, 1861, referred to Alabama as a republic. It was the republic's flag to the Iowa legislature which, in the act authoring its return, called it "the flag of the Republic of Alabama." And it was the "Flag of the Republic of Alabama" to Walter L. Fleming, whose *Civil War and Reconstruction in Alabama* has been the definitive study of the period for nearly seventy-five years.²⁶

On the contrary, nowhere in the *Journal of the Convention of the People of the State of Alabama*. . . , January 7-21, 1861, or in the *Ordinances and Constitution of the State of Alabama*. . . , January 11-March 20, 1861, is Alabama described

²³ *Montgomery Advertiser*, March 8-9, 1939.

²⁴ *Birmingham News*, *Tuscaloosa News*, March 7-10, 1939.

²⁵ Smith, 220.

²⁶ (New York, 1905), 57.

otherwise than as a state.²⁷ Nor is the flag called that of a republic.

Therefore, we must conclude that, while Alabama was in the eyes of her people and for all practical intent and purpose a "free, independent, and sovereign Republic," she was never so identified in the official records. Thus, we answer our question with another question: which are we to accept as the final judgment, the *letter* of the law — or the *will* of the people?²⁸

²⁷On January 25 Henry C. Jones, a delegate from Lauderdale County, stated, ". . . it is conceded that Alabama does not design to remain as a separate State—that she will be a member of a Confederate Republic in a few weeks, is as certain as that the Sun will rise tomorrow." (Smith, 208).

²⁸I am grateful to Milo B. Howard, Jr., director of the Alabama State Department of Archives and History, and to Grady McWhiney, chairman, Department of History, The University of Alabama, for their valuable assistance in the preparation of this article.

OBSERVATIONS ON THE 1791 FLOODS IN ALABAMA

by

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When Alphonse Karr wrote in 1849, "The more things change, the more they remain the same," he brought home to this writer the woeful experience Alabama has had over the centuries at the hands of disastrous floods. So many people lost valuable property around Lake Logan-Martin in April of 1977 that the Federal Government declared portions of Alabama "disaster areas." Helping people in their time of need is a legitimate function of a progressive government, one which the United States has adopted over the past two centuries, but it may be interesting to note that before portions of Alabama became American, while they were still under the dominion of Spain (1780-1813), floods posed a problem for the Spanish government.

In 1791 the Mobile District was commanded by Vicente Folch y Juan, a remarkable career officer who had first come to America during the American Revolution. Between 1787 and 1792 Folch's vigorous administration of Mobile induced thousands of settlers from the United States to transfer their allegiance to Spain and to settle on free land grants along the lower reaches of the Tensaw and Tombigbee Rivers.¹

Folch's uncle in New Orleans was the equally-capable governor-general of Louisiana and West Florida, Colonel Este-

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¹On the role of Folch and his development of the Mobile District, see Jack D. L. Holmes, "Three Early Memphis Commandants: Beauregard, DeVille DeGoutin, and Folch," *West Tennessee Historical Society Papers*, XVIII (1964), 14-26; "Notes on the Spanish Fort San Esteban de Tombecbe," *The Alabama Review*, XVIII, No. 4 (October, 1965), 281-290; and David H. White, "The Indian Policy of Juan Vicente Folch [sic], Governor of Spanish Mobile, 1787-1792," *The Alabama Review*, XXVIII, No. 4 (October, 1975), 260-275.

ban Miro.² It was Miro who met with the American General James Wilkinson in 1787 and discussed what has become known in American history as the "Spanish Conspiracy," but he was also responsible for the government policies which attracted so many settlers to the sparsely-populated valleys of the lower Mississippi and Tombigbee. Miro wrote to Captain-general Luis de las Casas, his superior office with headquarters in Havana in 1791, and he reported to the Secretary of War, the Conde del Campo de Alange, from Havana on July 29, 1791, as follows:

"In an April 30 letter sent to me by the governor of New Orleans, he included copies of dispatches sent to him by the commandants of Mobile and Feliciana and likewise his replies concerning an inundation suffered at those settlements with the loss of many animals, provisions and part of their homes, because of which catastrophe he has aided the victims with 200 barrels of whole corn subsidized by the Division of Settlement funds, and he concludes with the request that I report same to His Majesty for his royal approval. . . ."³

Feliciana was a new district located some 45 leagues above New Orleans on the left bank of the Mississippi, just south of the much older district of Natchez.⁴ Miro reported that, because the estuary on which Feliciana was situated tended to overflow across the farm lands of the interior, the floods had virtually destroyed the new settlement. In the Mobile district, where the Mobile River had also flooded, settlers of the Tensaw and Tombigbee districts were likewise in need of government aid,

²Miro, born in northeastern Spain (Cataluna), had been colonel of the Louisiana Infantry Regiment with yeoman service in the Spanish conquest of British West Florida (Baton Rouge, Mobile, and Pensacola) during the American Revolution. A biographical sketch is included with his 1792 description of Louisiana, published in Jack D. L. Holmes (ed.), *Documentos ineditos para la historia de la Luisiana, 1792-1810*, Vol. XV, *Coleccion Chimalistac* (Madrid: Ediciones Jose Porrua Turanzas, 1963).

³Luis de las Casas to Conde del Campo de Alange, Havana, July 29, 1791, copy in Archivo General de Simancas (Spain), Guerra Moderna, legajo 6916.

⁴Named for Felicitas de St. Maxent, who was married to Spain's redoubtable military genius, Bernardo de Galvez, New Feliciana was located on the left bank of the Mississippi on an estuary (probably Thompson's Creek). Its flood damage is described in Miro to Luis de las Casas, No. 161, New Orleans, April 30, 1791, copy in *ibid.* and also in Archivo General de Indias, Papeles procedentes de la Isla de Cuba (Sevilla), legajo 1440.

which Miro offered in the form of 200 barrels of corn (on the ear) for two widows and their children at Feliciana, and the numerous settlers along the Alabama rivers.

Anselmo Blanchard⁵ wrote Miro from Feliciana on April 20, 1791, and reported that the torrential rains of March 15 — “Beware the Ides of March” should be altered to “Beware the Tides of March,” perhaps — followed by two days of incessant rains had produced such an “avenue” of water that houses were flooded and the rude levees had been washed away, killing numerous animals of all kinds. Those settlers unable to save their provisions stumbled about trying by sheer muscle to stem the tide against levels which reached five and six feet in depth. All of this activity caused such chaos and confusion among the poor settlers who were hard-pressed to salvage any of their crops for the year. Among those who were particularly hard-hit were two poor widows and their numerous children who lost everything to the swirling waters. Without recourses or savings, they faced a bleak future, according to Blanchard, who pleaded with Governor-general Miro to provide some disaster assistance, inasmuch as the settlement was so new that it lacked the wherewithal to help itself. “Doing this,” he concluded, “will give you the warm feeling of having alleviated the suffering of those unfortunates, who will never cease their prayers to the Omnipotent One for the good fortune and prosperity of Your Excellency.”⁶

Miro replied on May 5, 1791, that the people of Feliciana had suffered as had the settlers along the Tensaw and Tombigbee from record-breaking floods, and that their misery caused him much grief. “You shall take whatever measures possible,” he added, “to provide alternative work for those farmers.” As for the two widows for whom Blanchard had requested aid,

⁵Blanchard, a native of Nova Scotia (Acadia), joined the Spanish military when General Alexander O'Reilly reorganized it in 1770. He fought with distinguished valor in the Baton Rouge and Mobile campaigns of 1779 and 1780, and was rewarded with the military post command of New Feliciana on its founding. See Jack D. L. Holmes, *Honor and Fidelity: The Louisiana Infantry Regiment and the Louisiana Militia Companies, 1766-1821*, Vol. I, *Louisiana Collection Series* (Birmingham, 1965), 168-169.

⁶Anselmo Blanchard to Esteban Miro, Feliciana, April 20, 1791, copy enclosed in Las Casas to Campo de Alange, July 29, 1791.

Miro advised that they be given necessary corn and rice to take care of their needs until the end of 1791. The number of children cared for by each widow was to be reported along with the expected needs per month.⁷ For this disaster relief, Miro took an exceptional responsibility of providing government food without proper authorization, but in the name of benevolence and following the traditional Spanish pattern of *noblesse oblige*, the administrator thought first of the suffering people and delayed the requisite paper work for another day.⁸

The situation in Alabama was even worse than that suffered along the Mississippi, however, and Commandant Folch at Mobile gave his uncle, Miro, a full report on the damage. Spain operated under the church-state agreement known as the *Patronato Real*, whereby the government was responsible for the creation of new parishes, the appointment of priests, and the financial support of the sole public church, the Roman Catholic. Folch had planned to leave Mobile for St. Stephens, which he had helped establish in 1789, in order to receive officially a new house built for the use of the parish priest at Tombigbee's parish, the Church of the Transfiguration. He left Mobile on March 18 and found on his arrival a general state of alarm among the settlers due to the rising level of the river — already six feet above its usual stage. Folch explained to Miro what had taken place following his arrival:⁹

“On the nights of the 18th and 19th [March] the river rose three and one half feet and was already beginning to flood the meadows and it was essential to move the cattle to a place of higher ground. At noon of the same day, recognizing that they could do nothing to save those which were missing, they proceeded in salvaging their furniture and those personal belongings each regarded as most valuable. During the night of the 19th-20th the river rose four feet, and at seven a.m. it began to carry away the Negro cabins, warehouses, barns and virtually all the buildings. Those largest buildings because of their

⁷Miro to Blanchard, New Orleans, May 5, 1791, copy in *ibid.*

⁸For a similar “extraordinary” example of *noblesse oblige*, see Jack D. L. Holmes, “The 1794 New Orleans Fire: A Case Study of Spanish *Noblesse Oblige*,” *Louisiana Studies*, XV, No. 1 (Spring, 1976), 21-44.

⁹Vicente Folch to Miro, No. 342, Mobile, April 11 [17?], 1791, copy enclosed in Las Casas to Campo de Alange, July 29, 1791.

size and height, which were not washed away on the 20th, suffered the same misfortune on the 21st, that being the day the settlement was completely ruined.

“From the 21st to the 26th the waters continued to rise from 27 to 32 inches, and from the 26th to the 31st (when they finally reached their highest stage), from 12 to 13 inches. By measurements which I made myself in company with some of the settlers, we found the water had risen 25 feet above the normal level.

“This flood, which is unprecedented even in the memory of the Indians, has surprised everyone. The short number of canoes and the rapid currents and rise in the water level, prevented them from salvaging all but a small number of provisions, despite all their efforts.

“Notwithstanding all these adversities I have the satisfaction of being able to inform you that there was not a single casualty, black or white, which I will leave to Your Excellency to note that the usual confusion which accompanies similar conflicts and always causes the high rate of casualties, did not exist here.”

Folch was unable to report the precise losses since most of the families had taken to the high ground and relative safety and they were scattered across the hills and bluffs, but he promised a full report when the waters receded. Noting that 1791 had not been a particularly successful year for crops in the Mobile District, Folch commented that a large number of immigrants from the United States was expected and that the storekeepers were hoarding supplies and provisions in the hope of selling them to the newcomers at high prices, a speculation which Folch felt added to the miserable situation.¹⁰ Some

¹⁰Folch's opposition to profiteering at the expense of suffering people was long-standing. In an 1805 regulation for Pensacola, where he later exercised command, Folch warned against merchants raising their prices during a time of scarcity. “We are convinced,” he cried, “that this is the Idol of the Userer, who closes his eyes and ears to the needs and cries of his fellow-man and concentrates solely on satisfying the thirst that consumes him, abandoned and neglectful of the friendship that men who live in the same society owe toward each other.” Jack D. L. Holmes, “Pensacola: Spanish Dominion, 1781-1821,” in *Colonial Pensacola*. ed. by James R. McGovern (Pensacola, 1974), 119-120.

three hundred black and white settlers of both sexes had arrived in the area during the first two weeks of March, all hoping to settle in the fertile, well-watered valley of the Tombigbee. The roads were choked with families coming to Alabama in search of better economic opportunity, and their arrival on the heels of the flood aggravated an already difficult situation. Blocked on the one hand by ravines and bluffs, and on the other by the impassable, flooded Alabama River, they were unable to appear in person in Mobile to sign their oath of loyalty to the Spanish crown and to file for their free land grants.

Commenting on the "true state of this district," Folch wrote that in the entire Tombigbee District only Fort San Esteban (Ft. St. Stephens), the parish house, and four or five homes belonging to settlers which had been built atop the hills, were still standing. Because the barns and storehouses of these settlers were built on lower ground, they faced a dismal future with the loss of all their livestock and feed.

"The rest of the families," he wrote, "are without shelter, hardly with enough to eat, and their fields which were expected to provide their sustenance, still under the muddy waters."

Folch was a staunch enemy of speculation and the use of disaster as an excuse for merchants to raise their prices and earn unfair profits. "The price of a barrel of corn-on-the-cob before the flood was 65¢ f.o.b. St. Stephens, and on the 26th [of March] they were asking \$5.00 a barrel" Accordingly, Folch ordered hand-bills posted in the usual public places, warning that the maximum price of whole corn was \$1.25 a barrel while corn off the cob was set at \$24.00. Folch arrived at the sums by calculating the median price between a year of plenty and one of scarcity. The government also interfered in a private mercantile transaction when he cancelled a shipment of 400 barrels of corn-on-the-cob being shipped in a schooner to Pensacola from Mobile. Obviously the corn was more needed in the Mobile District for the alleviation of the suffering caused by the floods.

Two friendly Indians came to Mobile and reported on what they had seen in the countryside. All the Indian villages scat-

tered along the upper Alabama River experienced similar floods and suffering was widespread. Folch suspected the same fate had visited the various Chickasaw villages along the Tombigbee River since they were further south of the reported Choctaw towns.

Folch recommended that the Royal Treasury increase its reserves of corn so as to give supplementary rations to the Indians, in keeping with the promises made at the Treaty of Mobile in 1784 to provide such provisions.¹¹ "It would be far cheaper to provide them with corn," he added, "than to give them bread and rice, which are more expensive."

Miro and Folch both followed a benevolent *noblesse oblige* policy toward the vassals under their command. When official regulations required prior approval for corn distributed to the suffering victims and this would take considerable time, those administrators who were most effective turned out to be most humane. Both Miro and Folch took upon themselves the responsibility of providing immediate succor for the flood victims and hoped that a benevolent crown would reimburse them for their expenses. If not, they had decided to bear the expense from their own pockets — hardly a gesture that weak, tyrannical, or stupid Spanish officials would do. Folch was ordered to supply the settlers of the Mobile District with corn for the personal use of the families stricken by the floods and also as a loan for use as seed. Likewise, Miro approved the price-fixing of Folch, adding that "it is unworthy that anyone should seek advantage from the public calamity." The Indians should also be provided with emergency provisions, Folch and Miro agreed. Miro sent a royal schooner with 80 barrels of flour and asked Folch to send it back to New Orleans immediately so that it might return loaded with the needed corn.

The captain-general of Cuba, to whom Miro reported these happenings, sent his dispatch to his superiors in Spain with his positive recommendations. As time passed, the necessary regu-

¹¹On Spanish relations with the Choctaws in the Mobile District, see Jack D. L. Holmes, "The Choctaws in 1795," *Alabama Historical Quarterly*, XXX, No. 1 (Spring, 1968), 5, 33-49; and "Spanish Treaties with West Florida Indians, 1784-1802," *Florida Historical Quarterly*, XLVIII, No. 2 (October, 1969), 140-154.

lations were issued to Havana that the emergency expenses employed by Miro and Folch in alleviating the distress and suffering of the Spanish settlers in the Mobile District, all be approved. Once again, as in the hurricanes of 1779 and 1780; as in the disastrous fire of 1788 in New Orleans; and as would be followed in 1794 when another fire virtually destroyed the Louisiana capital — Spanish policy aimed at relief, recovery, and rehabilitation. The chain of command *was* eventually followed, but individual initiative which characterized the activities of Folch and Miro in Alabama during the 1791 floods demonstrated that the Spanish colonial system was not as ailing as some careless historians have claimed.