

CRIMINAL JUSTICE IN MADISON COUNTY, ALABAMA APRIL 1865 TO DECEMBER 1874

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The criminal justice system in Madison County, Alabama, was largely ineffective throughout Reconstruction. When the Civil War ended in April 1865, white citizens attempted to re-implement pre-war leadership within their local police, sheriff, and judicial systems. It soon became apparent, however, that restoration of civil authority under the supervision of respected officials would constitute a long struggle. Chaos during Reconstruction was primarily due to radicals who were determined to

reconstruct local government under the leadership of men loyal to the Republican Party, rather than conservative Democrats who had controlled the criminal justice system prior to the war. Further complicating the situation, the citizenry was confronted with intervention from outside agencies such as the Freedmen's Bureau, the Union League, and the United States Army.

Thus, the period from April 1865 to December 1874 was one of the most chaotic in the history of Madison County. As federal



authorities became more aggressive, inept civil officials were appointed or elected to positions within the justice system.

Carpetbaggers, northerners who supported the Republican Party, and Scalawags, local Republicans who were loyal to the Union, dominated law enforcement and the court systems. Ku Klux Klan activity abounded due to public apathy and a lack of law enforcement. Many whites, nevertheless, continued their efforts to regain control of local government, and by December 1874 the criminal justice system in Madison County had gained stability under the leadership of men who represented a choice of the people.

Whites began their

attempt to restore civilian leadership after the war, but the Freedman's Bureau and federal troops dominated local affairs from April 1865 to January 1866. There appeared to be very little animosity towards the Bureau during this period, for the organization distributed badly needed rations to destitute citizens. In the meantime, the commander of federal troops in Huntsville received numerous complaints from people throughout the county concerning cases of assault, theft, and drunkenness.

In their first effort to re-implement civil authority, whites went to the polls in November 1865, and elected Frank Gurley, a Democrat and ex-



captain in the Confederate Army, as sheriff of Madison County. Shortly afterwards, according to local newspapers, Gurley was arrested by federal troops and taken to Nashville to stand trial for murder in military court. His accusers had asserted that while serving the Confederacy, Gurley had murdered a Union officer. Even though the sheriff was sentenced to hang, orders for his execution were suspended. Many whites were concerned about Gurley's dilemma and resented the fact that the county had finally gained an officer who represented a choice of the people, only to have him abruptly removed.

Some progress was made within the judicial system during

this period. The County and Mayor's (City) Courts were reestablished for the first time since the war. These courts were responsible for hearing minor cases which occurred within the county and within the city. The Circuit court, which handled serious crimes, was also re-implemented under the leadership of William J. Haralson. Although Haralson was a Republican, he was well respected and remained Circuit Court Judge throughout Reconstruction. The courts as well as local law enforcement exerted very little authority, and people were forced to rely on federal troops for protection.

Criminal justice remained in upheaval as citizens struggled



through another period of uncertainty from January 1866 to March 1867. Problems mounted as the local Freedmen's Bureau began to dominate the judicial system. Consequently, whites viewed the Bureau, which was under the direction of John Callis, a northerner, as a nuisance. While civil courts remained ineffective, a Bureau Court was established and heard numerous cases that concerned complaints filed by freedmen. An example noted in the Freedmen's Bureau Papers involved Russell Sanford, a white, who was fined forty dollars after he refused to pay one of his ex-slaves back wages.

The Huntsville Advocate reported numbers of complaints

filed against unruly soldiers. The problem was so bad in 1866 that the commander of federal troops forbade citizens to sell intoxicating beverages to soldiers. Troops often experienced difficulties in their relations with freedmen. One example reported by a local paper involved three drunk soldiers who interrupted a Negro baptism at the Big Spring. After soldiers pushed a freedman into the water, a fight ensued and the men were chased back to their barracks. Madison County, although stymied by federal authority, had an appointed sheriff, city police were reinstated for the first time since the war, and civil courts convened haphazardly during the latter part of 1866. These



accomplishments would be nullified in March 1867 when Congress placed the South under military rule.

Passage of the Reconstruction Acts by a radical Congress not only declared local governments in southern states illegal, but they also authorized military authorities to remove civil officials. Furthermore, numbers of ex-Confederates were disfranchised as well as excluded from holding public office. The progress that had been made in Madison county's criminal justice system was nullified when elected officials were removed from office and replaced by military appointees. The Union League, an organization whose goal was to solicit Negro

votes for the Republican Party, became active on the local level. Thus, disfranchised whites looked on with dismay as freedmen paraded around the courthouse square demonstrating their new political rights.

In the meantime, crime increased, and local jails overflowed as civilians within the criminal justice system were subjected to military authority. Newspapers reported that troops were so unruly, citizens took the law into their own hands. After a soldier, James Hardy, was convicted of theft, his head was shaved, and he was tied to a cart and forced to march through Huntsville.

Problems continued as ex-Confederates were forced from the



justice system. Sheriff John Coltart was removed from office by the military and replaced by a "loyal union" man. Shortly afterwards, Robert Coltart was ousted as Mayor's court Judge. Coltart, a respected Democrat, was replaced by a staunch Republican, Elisha B. Clapp. The U.S. Army Commands stated that the newly appointed judge soon proved to be a very inept individual who received bribes from defendants for ruling in their favor. The Circuit Court was also in limbo. Federal officers suspended trials because the court failed to comply with military regulations.

With the

implementation of a new state constitution in 1868, as well as Alabama's readmission to the Union, people could now go to the polls. As a result of the election held in February 1868, civil authority was restored. Since many whites were still disfranchised, the Republican Party, supported by freedmen's votes, elected Radicals to local offices. Military reconstruction ended in July 1868 when these newly elected civil officials assumed office.

The period from July 1868 to November 1870 was perhaps the most violent in the history of Madison County. Unqualified Carpetbaggers and



Scalawags dominated positions within the criminal justice system. Lawlessness abounded as Ku Klux Klan activity reached its peak. The Huntsville Police Department was active but plagued by complaints.

According to the Minutes of the Board of Aldermen, one instance involved policeman R. B. James, who shot a freedman for no apparent reason. Although James had been suspended five times for misconduct, no action was taken in this case.

The Sheriff's Department also experienced problems during this period. As a result of the February election,

Joseph P. Doyle, a Republican, was elected sheriff of Madison County and assumed his duties in July 1868. The highest ranking law enforcement officer in the county was a weak, unstable individual who failed to act against troublemakers.

Doyle's apathy towards his responsibilities disillusioned citizens who refused to accept his leadership.

An unqualified Carpetbagger was elected County Court Judge and took office in July 1868. Lewis M. Douglass, a carpenter from Oregon, had no prior experience in any judicial system. Since the Circuit Court remained under the jurisdiction of



William J. Haralson, all of the judges in Madison County were now affiliated with the Republican Party. Thus, civil authority was reinstated on the local level; but the majority of office holders were inexperienced radicals who did little to control the violence that erupted after July 1868.

The first official deaths connected to local Klansmen occurred in October 1868, when Judge Silas Thurlow, a Radical Republican, and a Negro died from wounds which they received during a political rally. The Advocate and local court records noted that on the thirty-first of October a large number of people had

gathered on the square for a Republican rally. Shortly afterwards, approximately 150 Ku Klux Klansmen rode into town. Several shots were fired by unknown persons which resulted in the two deaths. It was never proved that a robed Klansman fired the shots, and the case was finally dismissed in the Circuit Court.

Klan action increased during 1869 with the majority of reported cases filed by freedmen. It was during this period that respectable whites officially denounced KKK activity by claiming that the organization had become filled with ruffians who donned hoods and called themselves Klan members. In any event, lawlessness increased as Sheriff Doyle refused to investigate



numerous complaints filed by members of both races. Since no arrests were made, Judge Haralson attempted to bring Klansmen to justice. Haralson vested a grand jury with power to summon witnesses in cases that involved Ku Klux Klan attacks. The decision was ineffective, for Sheriff Doyle failed to deliver the subpoenas.

Klan outrages increased, and citizens appealed to Governor William Smith for protection. According to the William H. Smith papers, neither federal troops nor the sheriff were reducing acts of violence. Since there was an insufficient number of troops to combat the problem, the local commander requested that Governor Smith utilize

the state militia. The Governor then ordered Sheriff Doyle to assist troops in bringing outlaws to justice. There was no official indication that the Governor's orders were carried out.

Throughout 1869 and 1870, numbers of freedmen as **well** as some whites reported abuses by the KKK. Local papers noted one example of Klan harassment that involved a local troublemaker.

Reverend A. S. Lakin, a northerner who shared a house with Judge Lewis Douglass, claimed that two men fired sixteen buckshot into his residence. Lakin was an ardent Republican who had supported the Union League.

Because of Klan outrages, Congress



established a committee to take testimony from people throughout the South. The KKK Reports note the following examples of Ku Klux Klan harassment reported by citizens in Madison County. In July 1869, William Campbell, a Negro, was killed when he was shot six times by men dressed in black robes. Campbell had allegedly stolen chickens from a white farmer. Shortly afterwards, John Leslie reported that Klansmen broke into his house and shot at him eight times while they searched for guns.

The above cases are only a few of the many reported KKK abuses which occurred throughout 1869 and 1870. During such a period of crises, it was vital that respected and

diligent men control the reins of government. Instead, incompetence and apathy within the hierarchy of the criminal justice stymied efforts of the few who attempted to execute their duties. Citizens, nevertheless, were determined to restore order in Madison County, and the criminal justice system gradually regained stability during the next four years.

Violence subsided in Madison County between November 1870 and December 1874 as Alabama gradually returned to "home rule." As a result of the election in November 1870, Robert B. Lindsay, a Democrat, was elected governor, defeating the incumbent William Smith. White citizens in Madison County then



turned their attention to incompetent officials within law enforcement and the court systems.

The first Radical removed from office was Sheriff Joseph Doyle. A local grand jury announced that Doyle had failed to enforce laws and to investigate crimes throughout his tenure as sheriff. Shortly thereafter, Doyle resigned, and Governor Lindsay appointed John Cooper, a Democrat, **as** sheriff of Madison County. People were obviously tired of inept officials, and the removal of Doyle reflected a trend towards pre-war leadership.

Richard Busted, Judge of the United States District (Federal) Court, was the next person forced from office. The District Court was responsible for those cases not covered

by local or state law and was supposed to convene in Huntsville twice per year. The court had remained ineffective during Reconstruction due to Busted's behavior. The judge was a haphazard individual who had rarely convened his court prior to 1870. Consequently, he was very unpopular with the citizens of Madison County. Busted was finally forced to resign when faced with charges that would lead to impeachment.

According to the Advocate, unsettled conditions began to improve in Madison County although there was some evidence of scattered Klan activity. In July 1871 six disguised men fired into a passenger train for unknown reasons. Afterwards, several freedmen who lived on a



farm stated that they were whipped by five KKK members. Another case involved Klansmen who invaded the houses of several Negroes for the purpose of harassment. Klan attacks virtually ceased by 1872, the sheriff announced that Madison County was more peaceful than at any time since the Civil war.

The Huntsville Police Department, which had been plagued with discipline problems throughout Reconstruction inherited a new City Marshal. It appears that Britton Franks was appointed to strictly supervise. Shortly after he assumed office, Franks suspended three policemen for drinking to excess, disorderly conduct, and associating with a woman of ill repute.

Perhaps the marshal's actions had a positive effect upon his men, for records indicate that officers made numbers of arrests under Franks' supervision.

Although problems still existed, criminal justice had gained stability by November 1874. Since Madison County experienced relative calm, whites could turn their attention to the upcoming election. The majority of white Democrats could now vote, and they were determined to rid themselves of all remaining Carpetbaggers and Scalawags. As a result of the election held in November 1874, the remaining Republicans, who had been elected in 1868, were removed from office. Louis Wyeth, a Democrat, succeeded



William Haralson as Circuit Court judge. Lewis M. Douglass, who had been unpopular as county court Judge was also relieved of his duties.

As Radical Reconstruction drew to a close on the local level, the criminal justice system was composed of men who represented a choice of the people. Thus, Madison County returned to "home rule"

after nine years of upheaval, uncertainty, and outside intervention. Amidst this confusion, Radicals had accomplished one goal: blacks gained legal political and civil rights for the first time. Otherwise, the Reconstruction process was largely a failure, for ill-equipped Radicals failed to cope with the problems which they had created.



SOURCES

Manuscript Collections

Montgomery, Alabama. State Department of Archives and History. William H. Smith Papers.

Washington, D.C. National Archives. Navy and Old Army Military Archives Division. Records of the Bureau of Refugees, Freedmen, and Abandoned Lands, Record Group 105.

Washington, D.C. National Archives. Navy and Old



Army Military Archives Division. Records of the states Army Continental Commands, Record Group 393.

United States Government Publications

U. S. Congress. House Joint Select Committee. Inquiry into the Conditions of Affairs in the Late Insurrectionary States. Hearings before a Subcommittee of the Joint Select Committee on the Affairs of Alabama. 3 vols. 42nd Cong., 2nd sess., 1871.

Newspapers

Huntsville Advocate. 1865-1874. Elbert H. Parsons Law Library, Huntsville, Alabama.

Huntsville Weekly Democrat, 1867-1875. Public Library, Huntsville, Alabama.

Montgomery Daily Advertiser, 1866-1867. Library, University of Alabama in Huntsville.

Miscellaneous

Huntsville (Alabama) County Court Docket (1866-1874). Elbert H. Parsons Law Library, Huntsville, Alabama.

Huntsville (Alabama) Circuit Court Minutes (1865-1874). Elbert H. Parsons Law Library, Huntsville, Alabama.

Huntsville (Alabama) Circuit Court Records (1866-1871). Elbert H. Parsons Law Library, Huntsville, Alabama.

Huntsville (Alabama) Minutes of Meetings of Mayor and Board of Aldermen 1866-1874. Municipal Building, Huntsville, Alabama.

