

# CHILTONIAN

Volume 31, Number 1

January 2011

## QUARTERLY MEETING

The Chilton County Historical Society will hold its quarterly meeting at 2:00 PM on Sunday, January 9th, at the Chilton/Clanton Public Library. Mrs. John H. Jackson (Becky) will present a program based on her research of World War II, a subject that fascinates us all.

All members and other Chilton citizens who are interested in our county's history and its preservation are encouraged to attend.

## CREDITS:

*Chiltonian* is a quarterly publication of the Chilton County Historical Society & Archives, Inc.  
P. O. Box 644, Clanton, Alabama 35046-0644  
(A Non-Profit Organization)

## OFFICERS:

President	-	David Dennis
Vice President	-	Wayne Sewell
Secretary	-	Marie Smith
Treasurer	-	Colyn Moatts
Reporter	-	Marie Smith

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## Biographical Transcriptions from Chilton County Newspapers

By Ben Roberts

*[EDITOR'S NOTE: In this issue of the Chiltonian we conclude the series on biographies of prominent County citizens, as those biographies were published in local newspapers of the time. Once again, we thank Historical Society President Emeritus Ben Roberts for the transcriptions.]*

Union-Banner  
1 March 1928

### Mr. George O'gilvie Foshee

One of the early settlers of Clanton of whom we are justly proud is Mr. George O'gilvie Foshee, who is one of Clanton's most public spirited citizens.

Mr. Foshee, the son of Mr. Joseph W. Foshee and Julissa Foshee, was born in 1867, four miles west of Clanton, at what is now known as Baker school. When he was five years of age his parents moved to Lomax. His early schooling was received at Cross Roads School, where Mr. H. L. Estes was principal. During his early school days Mr. Foshee assisted his father on the farm, plowing oxen part of the time. In 1885 he went to the calling *[sic]* business at Stanton, Alabama. The following year he heeded the call of the wanderlust and went to Texas, where he remained for one year. He returned to Alabama in 1887 and went into the charcoal business at Lomax.

On December 18, 1890, Mr. Foshee married his splendid wife, who was Miss Alice Farley, daughter of Mr. J. F. Farley and Jemima Farley, who lived near Clanton. Mr. Foshee later took a contract stacking and loading lumber for C. J. Shaw and Narette, at Lomax. Later he went into the mercantile business at Pletcher,

*(Continued, next page)*



(Continued from page 1)

returning in 1900 to Lomax, where he set up a mercantile business and did extensive farming, cultivating at that time 500 acres of land. In 1904 Mr. and Mrs. Foshee moved to Dothan, where he ran levels for the railroad from Dothan to Saint Andrews Bay. A year later his love for Chilton County brought him back, and he moved to a farm near Clanton. At the expiration of three years he moved to Clanton where he has remained ever since.

Upon coming to Clanton Mr. Foshee did carpenter work for two years and in 1910 accepted a position as clerk for Mr. Joe Shepard, working there only two years, at the end of which time he went into the business of buying script and bonds. Mr. Foshee will be remembered by Clanton citizens as serving faithfully as marshal for the Town of Clanton. He has also served as coroner of Chilton County, winning in the election by popular vote. Mr. Foshee was one of the jurors who assessed the damage done farmers in that vicinity when the backwaters of Lock 12 reached their farms in 1916.

Not only in public office has Mr. Foshee served well, but since moving to Clanton 25 years ago he, as well as his wife, have been splendid citizens. He has helped in every way to build up his town, taking a prominent part in every phase of its progress notably in the bringing of new enterprise to Clanton.

As real estate owners Mr. and Mrs. Foshee have taken exceptional pride in beautifying their property regardless of whether or not it was occupied. Such interest bespeaks the highest type of civic pride and to say Clanton is fortunate in having Mr. and Mrs. Foshee as citizens is to express it mildly.

They are members of the Methodist Episcopal Church where they take an active part in the activities of the church.

Mrs. Arthur Willis who also gives unselfishly of her time to the church and club work of Clanton is the only child of Mr. and Mrs. Foshee and William Arthur Willis is the only grandson. He is also a credit to his family and his community.

Quite in keeping with the faith of other prominent citizens, Mr. Foshee also believes strongly in Clanton's future.

Mr. Foshee did not hesitate to voice his enthusiasm over Clanton's progress and his following

statement gives him a place with Clanton's boosters. "I have been to Texas, Oklahoma, Florida and other states but Clanton is the garden spot of the earth." He also expressed the belief that Clanton will double its population in two years.

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Union-Banner  
6 October 1927

### Miss Beverly Hester of New York

We often read in the leading magazines of the day histories of people who have set a goal and worked unceasingly to attain their ambitions and we find these articles interesting and inspiring, but it is much more interesting to note that we have a true example of this in our own little city. Miss Beverly Hester has aimed at the star and is beginning to realize her life ambition. But before we tell you these facts it will be interesting to know something of her history.

Miss Beverly Hester, the daughter of Mr. and Mrs. J. A. Hester, was born in Verbena, Alabama. Her parents moved to Clanton when she was four years old and here she spent her busy and happy childhood days. Her musical career started when she was eight years old, her first teacher being Mrs. B. J. Matthews. Miss Hester made such phenomenal progress at the very beginning that she was cited as a promising musician when she was still a tot. At thirteen years of age she studied piano with Mrs. Rivers a splendid teacher in Birmingham. She continued to show such talent and ability that she was interviewed by Dorothy Dalrymple who gave her a wonderful write-up in the Birmingham News. When asked what she thought of ragtime music she replied, "Rags are all right in their place, but Chopin fascinates me." The love for better music together with untiring effort has been the key note to her success.

At the age of sixteen she graduated at the Chilton County High School. The following years she attended Judson College from which he graduated in 1918. So thorough was she not only in technique and theoretical knowledge but also in its interpretation that she was able to graduate from the Cincinnati Conservatory in one year. There she was also recognized as an unusual talented musician. There she was accorded an honor never before bestowed upon a student in the history of the Conservatory, she was allowed to give a concert in which she demonstrated



her ability both in voice and piano.

Two years ago she taught piano in Birmingham and was organist at the Independent Presbyterian Church.

Now Miss Hester is in New York, the Mecca of all American musicians. She has continued her musical studies under Richard Hagerman and other noted musicians. Among the famous singers she has accompanied are Oscar Sanger and others. She has played in a number of New York's leading theaters.

Needless to say Clanton as well as Alabama is very proud of the achievements of this brilliant young musician. We are sure that she will be numbered among the stars in the musical world in a short time.

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Union-Banner  
10 November 1927

### Miss Roberta Curry

To go back to the beginning of the life of the subject of this sketch, we would turn back the leaves of life's history for fully a hundred years and recall the ambitions and aspirations of those who've gone before.

Before Roberta Curry could speak, when she was nearly two years of age, the child often rocked her doll babies to sleep with the most tuneful lullabie [*sic*]. The broad range of the baby notes trilled by the baby attracted the ear of her mother who expressed the faith that the child was destined to be the possessor of the most wonderful voice; this faith never wavered. Throughout Roberta's girlhood, high school and college days she played leading roles in amateur theatricals and operettas. While a student at Brenneau when the Glee Club made its annual tour, visiting an Atlanta, Macon and other Georgia cities, Roberta's voice attracted the timely criticism of many hearers.

Roberta gladly shares the gratification her success with her former instructors, Mr. Thos. Tinsley, formerly of the C.C.H.S., Mr. George Rogers, Brenneau Conservatory of Music, Mrs. Clara Harper Steele of Birmingham and Mr. William Stickles of New York City.

After pursuing the prescribed literary and music courses in Brenneau College of Music, Miss Curry became director of music in the Jackson Ala. Agricultural School. Then followed two years of

service as director of music in the C.C.H.S. After which plans were formulated by which Roberta's ambition to gain recognition on Broadway's stage might be attained. It was through her maternal uncle, Dr. Joe Johnson, of Chattanooga that plans for pursuing an artistic course in New York were made possible. However, when credit for Roberta's success are [*sic*] dispensed, "Aunt Nell," Mrs. Joe Johnson always came in for full measure. In all probability Mrs. Johnson will never know just how much inspiration was borrowed from her to weave into the warp of Roberta Curry's destiny.

It was five years ago when Roberta, filled with determination to make her dreams of stagedom come true, set out for New York City. Throughout her study under Mr. Stickles the vision of playing on Broadway was ever luring this little Clanton girl.

Following two years of preparation under the eminent Mr. Stickles, teacher and composer, Miss Curry gladly embraced the opportunity to sing, gratis, old-fashioned songs in costume at the Triangle Theatre in Greenwich Village, New York, and "Art for Art's sake" theatre. For four months she sang old time songs and southern melodies in Uncle Tom's cabin. Miss Curry was then given the opportunity of playing on Broadway in "Princess Ida." A Gilbert and Sullivan opera work with the "Weaneroft" Opera Guild was her next undertaking. In the meantime attention was given to the continuance of the practice under the guidance of Mr. Stickles.

Then came an epoch in the life of this young singer when she had the chance of singing for John Murray Anderson, one of New York's famous producers. She accepted a part in his musical show, "Dearest Enemy." This show played for a year in the Knickerbocker theatre on Broadway, and elicited nationwide press comment on account of its historical and beautiful stage settings, its gorgeous costumes and its colorful climaxes.

During that time Miss Curry gave a concert for the Studio Club, members of which belong to New York's exclusive set.

After playing more than six months in "Dearest Enemy," Miss Curry resigned to accept a position with the Frank Wilcox Stock Co, and played for 24 consecutive weeks in Syracuse. Returning to York from the Syracuse trip, Miss Curry became married on the 8th of October of last year to William Latta Darnell of New York City. Mr. Darnell is a



geologist by heritage, it would seem, as well as by choice; he will finish the course in geology at Columbia University in the class of 1928.

Marriage, however, did not interfere with Miss Curry's career. Introduced to Jacquet of the conductors of Roxy's theatre, Miss Curry was engaged to sing in that theatre and filled engagements for five months resigning to take part in "The Squaw Man," and has been in rehearsal for this play since August 1. "The Squaw Man," is a musical version of which Milton Royal is the author. The music for the opera is composed by Rudolf Friml. Miss Curry plays the part of an English girl. She is also an understudy of one of the leading characters. "The Squaw Man" will make its initial opening in Montreal on the evening of November 12, and will continue to play in that city for two weeks, after which the troupe begins an engagement on Broadway, beginning December 5.

[In just her] five years of New York life, admiring friends know that whatever ambition she may cherish Roberta has the determination to attain.

She is Clanton's own Roberta, and she is not only loved, but adored by everyone who knows her. There was never a personality more lovely, and her cordial manner toward everyone, regardless of his position, bespeaks her true worth and nobility.

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Chilton County Historical Society  
P. O. Box 644  
Clanton, AL 35046-0644

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# CHILTONIAN

Volume 31, Number 2

April 2011

## QUARTERLY MEETING

The Chilton County Historical Society will hold its quarterly meeting at 2:00 PM on Sunday, April 10th, at the Chilton/Clanton Public Library. Mr. Rick Messer will present a program on Alabama pottery.

All members and other Chilton citizens who are interested in our county's history and its preservation are encouraged to attend.

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## Centenary Sketch of William P. Chilton

By Claudius Lysias Chilton

[EDITOR'S NOTE: In November 2010, the Historical Society received a box of William P. Chilton memorabilia from one of his great-great-grandsons, Mr. William P. "Bill" Chilton of Easton, MD. Included in the memorabilia is the following "Centenary Sketch," which was written by the fourth child of Judge Chilton's second marriage. Mr. Bill Chilton has kindly given us permission to reprint the "Sketch" in the Chiltonian.

## Centenary Sketch of William P. Chilton

BY  
CLAUDIUS LYSIAS CHILTON

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MCMX

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Compliments of  
ARTHUR BOUNDS CHILTON

Set up and printed at the Paragon Press, Montgomery, Alabama, by Arthur B. Chilton.

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(Continued from page 1)

That is but sorry modesty that would refrain from burnishing an illustrious name lest some reflected glory should fall upon one's hand; and so the writer makes no apology for the following—being prompted consciously by no other motive than filial respect and love; for, next to the Good Father in Heaven, is a good father on earth, and it seems more a shame to omit than to give him loving praise.

And so, as his youngest son, it seems to me not inappropriate that for the sake of those who are to live after me, and who will scarcely know of such things apart from such means, that I should call to mind by some such service as this, brief though it be, and all inadequate, the life and virtues of so good and great a man on this the one hundredth anniversary of his birth.

William Parish Chilton was born near Elizabethtown, in Adair County, Kentucky, August the tenth, 1810. His father was Rev. Thomas John Chilton, and his mother was Margaret Bledsoe Chilton. His father was born in Virginia—Loudon County I think, and was a Baptist preacher of note and influence in his day. The father of his wife was also a Baptist preacher.

Of the early life of William P. Chilton but little is known. It is likely that William went to school to his older brother Thomas [*sic*], or that he was taught by his father. He taught school himself when he was seventeen years of age. When about eighteen he went to Athens, Tennessee, and, living with his older sister, Mrs. Charles Metcalf, read law under the direction of the eminent Return J. Meigs. When he was nineteen years of age he married Mary Catherine, the oldest daughter of George and Frances Irby Morgan, and when he was about twenty-one he emigrated to Alabama, then but sparsely settled and full of Indians—moved from Athens, Tennessee to Alabama in 1833 or '34 in a "carry-all," a covered spring wagon common in those days—with his wife and little one and a few servants. Once in Alabama, he fully identified himself with all her interests, fought her battles as his own, and sleeps in her bosom.

He located in Mardisville, in Talladega County, as that was then the Land Office of the State, and shortly after moved to Talladega, the county seat.

Here he remained practicing law until about 1846, when he removed to Tuskegee, Alabama. He lived in Tuskegee until 1859, when he removed to Montgomery, which was his home until his death, January 20, 1871. He was twice married; first to Mary and next to Elvira, daughters of George and Frances Morgan—the parents also of John T. [Tyler] Morgan.

He was the father of twelve children, ten of whom survived him.

William P. Chilton had two brothers: Hon. Thomas Chilton, one of the representatives in Congress from the State of Kentucky in 1827, and afterwards a Baptist preacher of note in Alabama and Texas, and Dr. Lysias Chilton of Tennessee; one sister, Mrs. Jane Metcalf of Nashville, Tennessee.

### HIS PUBLIC SERVICE.

After settling in Talladega in 1834, Judge Chilton began his public career in 1839, (being a Whig in politics) as a member of the House of Representatives of Alabama, and, as Garrett says in "Alabama Reminiscences," "at once took high rank as a debater and ready business man, and was considered the most rising young character in the House. In the presidential canvass of 1840 and 1844, he was active in the support of General Harrison and Mr. Clay, often addressing large assemblages of the people at mass meetings and in Tippecanoe and Ashland clubs. In this field he was a power within himself; eloquent, logical, and abounding in anecdote and humor. In 1843 he opposed General Felix McConnell for Congress, whose personal popularity, added to the large Democratic majority in the district, prevailed in the contest.

"In 1847 Mr. Chilton was elected a judge of the Supreme Court, and in 1849, on the resignation of Judge Collier, he succeeded to the rank of Chief Justice, which he retained for several years. In 1859 he was elected Senator from Macon County, and took a leading part in the measures of that period. His acknowledged abilities and ripe experience made him a principal figure in any deliberative body of which he was a member. In 1861 Judge Chilton was a member of the Confederate Provisional Congress, and was re-elected in 1863. He served on the most important committees and exerted himself as best he could to serve the cause with which he was identified as a Southern patriot and statesman. He was connected officially with the Confederate government from its inception at Montgomery in 1861 until the surrender of its army in 1865." While opposed to secession as being unwise, as soon as it was a fact, he went into the Confederacy with all his soul, took part in the inauguration of Jefferson Davis, escorting Mr. Davis to the Capitol on that occasion, and stood by the Confederacy to the bitter end. After the war, he devoted himself entirely to his profession.



## AS A JURIST.

It would be impossible, in the small space that have allotted, to more than hint at the great number of encomiums that were passed upon Judge Chilton at the time of his death with reference to his legal ability and standing. There were few, if any lawyers in the State, more universally known and respected. The Bar of Mobile, Selma and Montgomery met and passed resolutions with reference to him at the time of his death. Perhaps nothing could be said in regard to the subject of this sketch as a lawyer more appropriate than what was said at the meeting of the Bar of the City of Montgomery and those in attendance upon the Supreme Court in the presence of that Court on the 23d day of January, 1871.

The resolutions then adopted prepared by Messrs. Geo. W. Stone, A. J. Walker and Thomas H. Watts were in part as follows:

"Whereas, by dispensation of Providence, sad as it is mysterious, our brother, the *Honorable William P. Chilton*, has been struck down in our midst; Therefore,

*Resolved unanimously by the members of the bar of Montgomery*, That in the death of our brother, we have lost one of the most honored and honorable members of our profession, the country has lost one of its most distinguished, beloved and patriotic citizens, and his family has lost all that is dear and lovable in a husband and father.

*Resolved*, That in contemplating his character, we dwell with pride and supreme pleasure on the fact that our lamented brother has presented to society and to the world a model of Christian benevolence, enlarged philanthropy [*sic*] and spotless integrity worthy of all emulation; and these sublime virtues, combined with distinguished professional attainments, have been deservedly rewarded with the highest judicial honor which his State had the power to bestow upon him.

*Resolved*, That we, as a band of brothers, will attend the funeral of our deceased brother, and we cordially invite the members of the Supreme Court of Alabama, now in session, the presiding Judge and the officers of the District Court of the United States for the Middle District of Alabama, the members and officers of all other courts in the City of Montgomery, all judicial officers and attorneys now visiting the City of Montgomery, and the Governor, the Lieutenant Governor, members of the legislature, and all other executive and legislative officers of the State, to unite with us in rendering this last solemn duty of affection

to our deceased brother."

\* \* \*

In speaking to these resolutions, Honorable John W. A. Sanford, then Attorney General, said:

*"May it please the Court:*

"The Honorable William P. Chilton, formerly a chief justice of this court, died in Montgomery on last Friday night.

"He became a citizen of Alabama more than thirty years ago, and for more than a quarter of a century he stood in the foremost files of her illustrious men. This position was the natural result of his large endowments, of his manifold and comely virtues, and his attractive traits of character. His talents were developed by liberal culture, and well disciplined by the labors incident to a successful professional career. For there was no learning of his profession to which he had not assiduously devoted himself, and none in which he was not proficient. Such acquirements alone would have conferred distinction upon him. But to these he united a thorough knowledge and cordial appreciation of the people among whom he lived; a strong fellow feeling with them in all vicissitudes of their fortune; a sagacity rarely at fault, and uncommon tact, that rendered him a prosperous advocate. So that I might almost say of him what Cicero said of one of his friends—that he was the most eloquent of those skilled in jurisprudence, and the most learned of those who had dedicated themselves to the study of eloquence.

"His attainments and achievements gave him a manly confidence so essential to success, but they never made him arrogant in his manners or intolerant of the errors, or blunders, or ignorance of less gifted persons. Especially was he kind in his deportment towards the younger members of the profession. To the strong he suggested methods of improvement; to the diffident he gave encouragement, and to all he imparted information upon every subject connected with their pursuit. This, however, was in accordance with the benevolence and beneficence that always characterized his conduct.

"He was energetic and zealous in the prosecution of whatever engaged his attention; but his energy never degenerated into harshness, nor did his zeal ever dwindle into discourtesy. He possessed great amiability. If he was 'slow to anger, he was plenteous in mercy.' He was catholic in his sympathies, and so rightly endowed with friendliness that he could not cherish enmity; and malice was utterly foreign to him.

(Continued, next page)



He was gentle as [to] charity. But this did not detract from his manliness. Indeed, it heightened it, and bestowed an additional grace upon his character. He was generous and genial in his intercourse with the world. His whole nature had a look southward, and his heart was several degrees nearer the equator than his climate. He was earnest in his convictions and faithful to them, but he was not fanatical in his opinions. He was liberal in his sentiments, and never gave to party what was meant for his country.

"These are a few of the qualities that made him so influential and popular in 1847, and although he belonged to a political organization that was in a minority, he was chosen to be a judge of the Supreme Court of this State. In that office he increased his reputation and enlarged the circle of his friends. He believed with Lord Bacon, that judges should not be 'hard-headed, but strong hearted,' and ought to be more learned than witty, more reverend than plausible, more advised than confident. Above all things, integrity is their portion and proper virtue.' Hence, during the eight years he was Justice and Chief Justice of this court, he was laborious, painstaking and conscientious in the discharge of his duties. His opinions were carefully prepared, are well sustained by precedents, and are clearly expressed. ...

*To be continued...*

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# CHILTONIAN

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July 2011

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(Continued...)

"... He was patient in hearing arguments, that he might be well advised; thus obeying the injunction given by the great philosopher and chancellor to Justice Hutton, 'that you affect not the opinion of pregnancy and expedition by an impatient and catching hearing of counselors at the bar!' His integrity was as great as that of any man's who ever sat upon the Bench. Like Sir Thomas More, he would have worn the gloves from regard to the donor, and like him he would have refused the coin out of respect for himself; like him, too, he might have drank the wine, but like him, also, he would certainly have returned the golden goblet. For,

'In Israel's courts ne'er sat an Abethdin  
With more discerning eye, or hands more clean.'

"In commemoration of his virtues, and as a feeble expression of their sorrow, the members of the bar of Montgomery have adopted these resolutions, which I ask may be spread upon the Minutes of this Court.

The Chief Justice responded as follows:

"The melancholy announcement made to the court, and the impressive manner in which it is made,

(Continued, next page)



*(Continued from page 1)*

almost unfit me to make a suitable and appropriate response. Our sympathies are deeply moved, and our hearts filled with sorrow and sadness.

"A noble and generous spirit has been suddenly taken from among us.

"The loss of a friend by the ordinary providences, after the mind is, in a certain sense, in some manner prepared for it, is an affliction hard to be borne; but, when suddenly taken from us by some distressing calamity—some extraordinary and inscrutable providence, unexpected, unlooked for, and unprepared for—the heart is crushed, and we become dumb, as it were, in the very presence of our Maker. What a lesson to teach us not to suffer our thoughts and our time to become too much engrossed with the follies and pleasures of this world, its pomp and its vanities.

"At such a time, as at all times, how appropriate and impressive is the prayer of the psalmist, 'Lord, so teach us to number our days that we may apply our hearts unto wisdom!'

"It was my good fortune and happiness to become acquainted with Judge Chilton on his first coming to this State, more than thirty years ago, and, being both engaged in the same profession, and practicing in the same courts, to see and know much of him. In social life he was cheerful and genial, a pleasant companion, and a sincere, faithful and trusted friend. As a lawyer, he was an honest and safe adviser to his clients, and their able and eloquent advocate. He was quick to discover any fault or blunder in an opponent, on the trial of a cause, and skillful, though always courteous, in taking advantage of it.

"As a judge he was conscientious, impartial and accomplished, discharging all the duties of his high office with great industry, faithfulness and ability, both to the satisfaction of the public and his friends, and commanded the highest the highest respect, and enjoyed the entire confidence of the members of the bar practicing in this court.

"His death is an irreparable loss to his family, and to the community in which he lived[,] a loss that cannot be easily supplied.

"The last sad office to the body has been affectionately discharged; it is buried, and it only remains for us to cherish his memory and to practice his virtues.

"Let the resolutions be entered upon the Minutes of the court, and at the request of the bar, the response of the chief justice, for the court, is also permitted to be entered upon the Minutes."

The court then adjourned till Tuesday morning, at ten o'clock, in honor of the illustrious deceased.

Judge Chilton was not only a lawyer, but a teacher of the law. Even in Talladega, a number of the most famous lawyers of the State read law under him, among them John T. Morgan. After moving to Tuskegee, he established a regular law school, which was attended by young men from all over the country, and some of his students have achieved the highest distinction in this and other states. While in Texas a number of years ago, the writer was informed that two or three of the then Supreme Judges of the State of Texas had read law under Judge Chilton.

### CHARACTER.

The following extract, taken from a sketch written by Rev. Samuel Henderson, D. D., his pastor for a number of years, illustrates the estimation in which he was held by thousands:

"A Christian man, whom, in some aspects of his character we do not scruple to say we have never known surpassed." Among a thousand men, a stranger would have been apt to ask first of all who he was. His whole temperament, intellectual and moral, with a grand personnel that ever made him the 'observed of all observers,' combined to make him one of the most charming characters that ever adorned the Christian profession. There seemed to be a kind of sympathy between the interior and exterior man, between the jewel and the casket, as if the Divine Being had intended to set off to advantage the moral beauty of the one by the physical symmetry of the other. In his case all the kindly virtues were a nicely balanced and as accurately circumscribed within their appropriate limits as human frailty ever admits. In the exercise of these amicable graces he was singularly gifted in always doing the right thing at the time and place, and in that spirit and measure that met every demand; and then, as if to invest such princely moral organism with every advantage, he was endowed with a massive intellect that made him the peer of any man in the State."

At the time of his death both Houses of the Legislature, then in session, adjourned, at the suggestion of a message from Gov. Lindsay, in which he said "Judge Chilton was one of our best beloved citizens; eminent as a jurist, and the people of Alabama



have often honored him with their public esteem and confidence. As a member of the Legislature, as a Member of Congress, and as the Chief Justice of our Supreme Court, he discharged his duties with devotion and zeal. In the halls of legislation he was a statesman, and he adorned the bench by his integrity and learning. The loss of such a man is a public calamity, and it is fit that the departments of the government of the State he loved so well should pay tribute to his memory."

In pursuance of this suggestion, the House passed resolutions of January 21, 1871, in part as follows:

"Whereas, the said William P. Chilton has for many years been identified with the history of Alabama, contributing by his great wisdom, profound learning, and spotless integrity, to the honor and welfare of the State, therefore be it resolved, that the House of Representatives, out of respect to the memory of the deceased, adjourn until ten o'clock a. m. on Monday."

On the Monday following, the Senate passed the following resolutions: "Resolved, that in the death of Hon. William P. Chilton, the State has lost one of her most valued, eminently useful and distinguished citizens; the community in which he dwelt, one of its brightest exemplars and ornaments; the Church of which he was a communicant, who, by a consistent and godly 'walk and conversation' manifested the sincerity of his profession; the legal fraternity an associate whose nobleness and purity of character was as conspicuous [*sic*] and unsullied as his talents were pre-eminent; and his stricken family a guide and protector whose void cannot be filled."

The press of the whole State was unanimous, at the time of his death, in ascriptions of praise to his character. Statements like the following appeared throughout the State press:

*Montgomery Advertiser*: "His loss will not only be profoundly felt by this particular community, where he has resided for years past, and where he was surrounded with the friendship and affection of all our citizens, but the grief occasioned will be shared by the whole commonwealth. Without fortune or friends at the commencement of his career in Alabama, by diligent pursuit of his profession, by his natural kindness and amicability of manners, and by the force of his splendid talents, Judge Chilton succeeded in making his way to the front rank among the ablest and most famous men in the State.\* \* \* He was a lawyer

of great learning and possessed of forensic abilities of a very high order. He was a kind and indulgent father, a generous and faithful friend, a devoted husband, a pious member of the Baptist Church, and an exemplary citizen."

Said the *Selma Times*: "From the very dawn of his professional career, through a long life as attorney, judge, and throughout his political life, he maintained a spotless Christian piety, and always walked in the path of moral rectitude. Judge Chilton was one of the most remarkable men that Alabama ever produced, and the memory of his worthy deeds will last so long as the State itself lives in history."

*The Daily State Journal*: "No event has recently transpired in Alabama that will cause more sincere regret among all the people than the death of Judge William P. Chilton. Standing in the front rank among the gifted sons of our State, he was universally honored and respected."

Judge Percy Walker said, in response to the resolutions of the Bar of Mobile, "The Court most cordially approves and endorses the resolutions just read, and orders that they be spread upon the minutes. Judge Chilton was a man of most estimable traits and noble qualities. He knew how to adhere firmly to his own political opinions, and yet to be free from political rancor; his benevolence was not only spontaneous, but it was without ostentation; his philanthropy knew neither wet nor dry seasons, but through the parching heat of summer and the chillness of winter it flowed with a steady and perennial stream, bearing blessings to those who were ready to perish and bespeaking the innate nobility of his soul. He was a learned and conscientious jurist, a steadfast friend, a placable enemy, a useful citizen and a pure judge. To borrow one of Burns's pithy phrases, he 'held his patent of nobility direct from God,' and he left no stain upon the spotless roll. When so pure, so noble and so good a man falls into the grave, it is fitting that those of us who survive him should give him the applause due to a life of purity, usefulness and virtue." \* \* \*

At the time of his death Judge Chilton was a Grand Master of the Free and Accepted Masons of the State of Alabama, and also a member of the Grand Commandery. It would require quite a volume to print even the resolutions of respect and sympathy tendered to the family. His funeral was attended, not only by thousands of citizens, but by the Supreme Court, both houses of the Legislature, all the Masonic bodies, and



Bar of the city in body. He lived nobly, he died in peace; his children rise up to call him blessed. Surely "a good name is rather to be chosen than great riches, and loving favor rather than silver and gold."

"O, may we triumph so,  
When all our warfare's past,  
And dying, find our latest foe,  
Under our feet at last."

CLAUDIUS LYSIAS CHILTON.

Montgomery, Alabama,  
August 10, 1910

//////////

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# CHILTONIAN

Volume 31, Number 4

October 2011

## QUARTERLY MEETING

The Chilton County Historical Society will hold its quarterly meeting at 2:00 PM on Sunday, October 9th, at Hidden Valley Winery, where one of the earliest enterprises of the County (winemaking) is being revived. All members of the Society and other Chilton citizens who are interested in our county's history and its preservation are encouraged to attend.

## CREDITS:

*Chiltonian* is a quarterly publication of the Chilton County Historical Society & Archives, Inc.  
P. O. Box 644, Clanton, Alabama 35046-0644  
(A Non-Profit Organization)

## OFFICERS:

President	-	David Dennis
Vice President	-	Wayne Sewell
Secretary	-	Marie Smith
Treasurer	-	Colyn Moatts
Reporter	-	Marie Smith

## MEMBERSHIP RATES:

Annual: Individual \$9, Couple \$12, Student \$5  
(Dues payable in January)

Lifetime: \$100

**NOTE:** ON YOUR ADDRESS LABEL, THE TWO-DIGIT NUMBER AFTER YOUR NAME INDICATES THE YEAR THROUGH WHICH YOUR DUES ARE PAID. AN "L" INDICATES LIFE MEMBER.

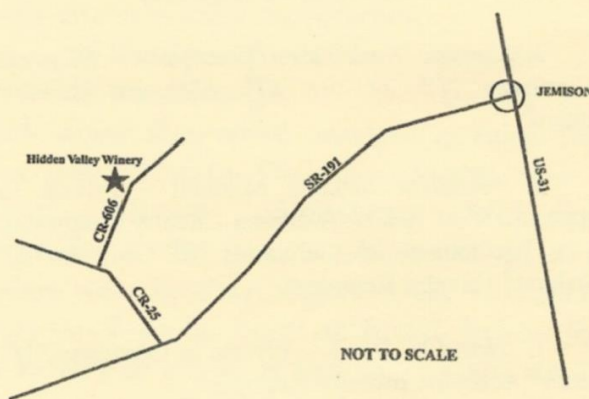
## Directions To Hidden Valley Winery

FROM JEMISON: Go west on State Route 191 (SR-191) for approximately two miles.

Turn right on County Road 25 (CR-25), and go approximately ¼ mile.

Turn right on CR-606, and go approximately ¼ mile.

Hidden Valley Winery will be on your left.





# Genealogical Fact Vs. Logical Speculation

By  
*Colyn C. Moatts*

Don't you just hate it when cold hard documented facts throw a monkey wrench into your decade-old theory about what happened to one of your Civil War ancestors? Well, I've joined your club, and I'm sort of stumped as to which way to turn next.

First, a little background... Seven of my great-great-grandfathers were Confederates (the eighth was too old to serve):

1. John Duncan Moatts – Private in Company “D” of the Autauga Rangers
2. Alfred Baker – Lieutenant in Company “D” of the Autauga Rangers
3. Anderson Baker – Private in Company “F” of the 9<sup>th</sup> Alabama Cavalry Regiment
4. James M. Thacker – Private in Company “T” of the 32<sup>nd</sup> Alabama Infantry Regiment
5. George Washington Thomaston – Sergeant in Company “C” of the 47<sup>th</sup> Alabama Infantry Regiment
6. Andrew Jackson Mitchell – Private in Company “H” of the 1<sup>st</sup> Alabama Cavalry Regiment, later a Lieutenant in Company “H” of the 8<sup>th</sup> Confederate Cavalry Regiment
7. James H. Black – Private in Company “H” of the 14<sup>th</sup> Alabama Infantry Regiment

The ancestor I'm having difficulty with is my paternal grandfather Duncan Moatts. I digress perhaps, but I'm reasonably comfortable spelling his name M O A T T S, as that spelling was used in the Moatts Family Bible of his son (my great-grandfather), Thomas William Moatts. The alternate spellings I run

across in documentation (Motes, Moats, Moates) were all done by non-relative census enumerators, probate clerks, land agents, military clerks, etc., who spelled the name phonetically.

Until recently, the only military records I had on Duncan were those provided by the Alabama Department of Archives and History and the National Archives. The Compiled Service records indicate he enlisted in the Autauga Rangers (4<sup>th</sup> Alabama Militia, Colonel Byrd's Regiment, Ninety-Day Volunteers) in March 1862 at age 26.

Duncan's 90 days of active service were credited from 18 March to 16 June 1862; his duty was served in Mobile; and, he was paid a total of \$33 for that period. His “discharge certificate” was signed by a Captain Northington.

Family verbal history indicated that Duncan was severely wounded near the end of the war, made it home, died less than a week later, and was buried in Love Graveyard.

There is one brief mention in the Official Records that the Autauga Rangers were called out to support General Forrest in the defense of Selma; therefore, I concluded that Duncan must have been mortally wounded somewhere near Ebenezer Church when the “State troops” were routed by Wilson's seasoned (and well armed) cavalry. The Ebenezer Church-Stanton-Plantersville-Selma area is not so distant that a badly wounded man would not be able to “make it home” to the Goose Pond area, especially if he had some comrades to assist him.

This is a neat, logical theory, but it makes one big assumption: Duncan was still in the Autauga Rangers at the end of the war.

Then, a couple years ago, I was “surfing the net” and ran across a chat stream on Autauga Civil War ancestors. In the middle of one of the exchanges was a reference to an unidentified book by Dana M. Mangham that mentioned nineteen deserters from Captain Oliver's Company of the 2<sup>nd</sup> Georgia Battalion of Sharpshooters, and nine of those were named—one of whom was Private Motes (Duncan Moates). The only reference provided by the book was the “Army of Tennessee courts-martial documents”.



According to the author of the chat stream, the nine named men were captured at home in the Chestnut Creek area of Autauga County and returned under arrest to their unit for a court martial, which took place on 16 March 1863 with all being found guilty and sentenced to 60-90 days of hard labor in the Chattanooga jailhouse.

Not wanting to fall into the same trap again, I began looking toward other sources of information, beginning with the Georgia Archives. And sure enough, they had a record of Private Duncan Motes, Oliver's Company "E" of 2<sup>nd</sup> Battalion, Georgia Sharpshooters, which was later transferred to the 58<sup>th</sup> Alabama Infantry Regiment as Company "K".

Interestingly, the Battalion was in Mobile in the summer of 1862, the same time as the Autauga Rangers. Since Mobile was a huge recruiting and training center, I "theorize"—scary, isn't it—that Captain Samuel Oliver was on the lookout for some good marksmen for his sharpshooter (sniper) company, and—lo and behold—here's a bunch of Autauga farmers who can knock out a squirrel's eye from a hundred yards. So, what happens? He talks to the conscription officer, and at least nineteen of the Autauga Rangers are transferred to his company.

Even more interestingly, this timeframe (that is, Duncan's service extended beyond 16 June 1862) helps explain why Duncan's family was declared "indigent" on 18 August 1862 and eligible for a Confederate allowance of \$150 per year—the Autauga County Volunteers Aid Fund already had judged that Duncan's family had "but little means" and authorized a county payment of \$7 per month.

Imagine Duncan's—and his family's—surprise when he left home for 90 days of training and shortly discovered that he (the only breadwinner) was gone "for the war." Perhaps this was the same type of surprise that confronted the other eighteen men who were conscripted from the Autauga Rangers, and perhaps this was a factor in the later mass desertion.

But I still wanted documentation of the court martial, so I sent an inquiry to the National Archives. A few weeks later I received a copy of the handwritten record of Duncan's court martial, and it reads as follows:

*"Head Qurs [Headquarters] Army of Tenn.  
Tullahoma, Tenn.  
May 20 1863 [not 16 March 1863]*

*General Orders  
No. 112*

.....

2#

*V. Private Duncan Motes Co E Battn  
Sharp Shooters Jackson's Brigade on  
the following charge & specification  
Charge ~~~~~ Desertion  
Specification*

*In this, that said Duncan Motes a  
member of Capt Saml D Oliver's Co E,  
Battalion of Sharp Shooters Jackson's  
Brigade Army of Tenn. did desert the  
service of the Confederate States, all  
this at Bridgeport, Ala. on or about the  
10<sup>th</sup> of December 1862. To which the  
accused pleaded as follows:*

*To the Specification Not Guilty  
To the Charge Not Guilty*

*VI. Finding & Sentence of the Court -  
After mature deliberation the Court  
finds the accused as follows:*

*Of the Specification Guilty  
Of the Charge Guilty*

*And does therefore sentence him the  
accused Private Duncan Motes, Co E  
Battn Sharp Shooters, Jackson's  
Brigade, to be confined in the guard  
House at Chattanooga Tenn. for sixty  
days and to be kept at hard labor for  
six hours of each of the said sixty days,  
Sundays excepted.*

3#

*VII. Private... "*



Say what? Sixty days? I thought the standard punishment for desertion was death by firing squad???

Well, General Lee always said that the worst use of a soldier was execution, and perhaps the Court's "mature deliberation" is an indication they sympathized with the plight of the men who had been forced to abandon their families and leave them with "but little means". There I go, speculating again...

But what else could explain the Court's leniency? The internet chat-string writer indicated that the Chestnut Creek deserters were returned to their unit and served honorably after completing their sentences—one of whom was even promoted.

Could Duncan have received his mortal wound as his unit (now attached to the 58<sup>th</sup> Alabama Infantry Regiment) fell back toward Atlanta? I just don't know. What I do know is that I need to do more research for actual documentation... and much less speculation.

////////////////

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