

MY SON AND MY MONEY GO TO THE UNIVERSITY OF ALABAMA? THE STUDENTS AT THE UNIVERSITY OF ALABAMA IN 1845 AND THE FAMILIES THAT SENT THEM

Royal C. Dumas *

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I. INTRODUCTION

From the moment of Alabama’s inception as a state, the legislature sought to establish a state university.¹ The university that arose, the University of Alabama, would serve as the home for many influential state and national figures of the nineteenth and twentieth centuries. This Article looks to the university’s early students to determine where they came from and what families sent their students to the University of Alabama in the middle of the nineteenth century. Specifically, it looks at the student body from 1845–1853. These years are important because they represent a time almost equidistant between the establishment of the University in 1831 and the beginning of the Civil War in 1861. This span represents an allowance of time for the university to achieve stability and normalcy in the student body, but is far enough away from the impending war as not to distort the preroga-

* Mr. Dumas is an associate at the Montgomery law firm of Hill, Hill, Carter, Franco, Cole & Black. The author would like to acknowledge Professor Al Brophy for his guidance and support in helping envision and complete this article. Thanks also to Jayne Harrell Williams, Leale McCall, and Robert Riccio for critical responses to drafts of this article. Finally, the author is grateful for his wife and children’s ability to deal with him, if not on a daily basis, at least enough of the time to keep him around.

1. See WILLIS G. CLARK, HISTORY OF EDUCATION IN ALABAMA: 1702–1889, at 31 (Washington, D.C., Gov’t Printing Office 1889).

tives of families sending students to the university or the aim of the university itself.

To achieve this, I will quickly detail the settlement of the state and establishment of the university. Next, I will analyze slave holdings of the families of the student body of 1845–1853 through census records. Next, I will take a snapshot of the class of 1845 and analyze its members more intensely. I will then look at the occupations of these students with an eye to their legal work. Finally, these numbers will be contextualized to the general population of Alabama and the South in general.

II. THE SETTLING OF ALABAMA

The territory now comprising the state of Alabama was opened for settlement in 1817.² Alabama quickly attained statehood in 1819.³ By 1820, Alabama had a population of 127,901.⁴ A decade later, the population had increased 142% to 309,527.⁵ Rogers describes settlers of this time: “Riding in wagons or on mules or horses, pushing or pulling a hogshead with all their worldly possessions, and even walking with gear upon their backs, settlers came from the piedmont regions of Georgia, South Carolina, North Carolina, and Virginia.”⁶ The majority of these Alabama settlers had become “disillusioned with worn-out fields and poor economic conditions in the East and were attracted by cheap land, . . . high cotton prices, and dreams of wealth.”⁷ These settlers were primarily small farmers, but a small minority “were well-educated, prosperous planters who had served in Congress or state legislatures and who sold their holdings and moved to Alabama with substantial wealth.”⁸

Rogers poignantly relates the dichotomy between the small farmer and plantation owner by noting:

For all the rich and wealthy who came west, the majority of settlers were poor men and their families who carried barely enough food to last until newly planted crops could reach harvest. Until then, they intended to live off the streams and forests. These families owned no slaves and had little chance of acquiring any. They would not gain vast lands or build grand mansions or accumulate the wealth

2. See JAMES BENSON SELLERS, *SLAVERY IN ALABAMA* 18 (1st ed. 1950).

3. *Id.*; Thomas McAdory Owen, *Annals of Alabama: 1819–1900*, in *HISTORY OF ALABAMA AND ANNALS OF ALABAMA* 675 (photo. reprint 1975) (1900) (noting that the enabling act was approved on March 2, 1819, and President Monroe approved the Congressional resolution for admission on December 14, 1819).

4. Leah Rawls Atkins, *Part One: From Early Times to the End of the Civil War*, in *ALABAMA: THE HISTORY OF A DEEP SOUTH STATE* 1, 54 (William Warren Rogers & Robert David Ward eds., 1994).

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.* at 54–55.

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that brought prestige and power. They were the yeoman farmers of Alabama whose lives were stories of survival and endurance⁹

Life for most frontier Alabamians, beginning with migration and continuing through day-to-day life, was a difficult one.¹⁰ For these frontier people life “was hard, drab, and confining, and neither men nor women had the social reinforcement, the leisure, or the opportunity to be creative or to express artistic personalities,”¹¹ and “[t]he isolation of families was intense” due to the distance of neighbors.¹² The primitive and isolated conditions of the Alabama frontier led to admonitions that certain Alabamians were “grossly worldly and extremely wicked” and “destitute of spiritual instruction.”¹³

Contrarily, a successful planter’s life was filled with greater wealth, leisure time, and social interaction. The story of the King family illustrates this point. Elisha F. King, the progenitor of the Perry County Kings and father of 1845 University of Alabama student Peyton Griffin King,¹⁴ moved to Alabama “from Georgia in 1819 in order to take up cheap land.”¹⁵ Within a short time, King acquired enough land, slaves, and wealth to become one the largest slave owners in the state.¹⁶

King settled in central Alabama and bought 1,028 acres of land in 1820.¹⁷ Thirty-two years later, he had accumulated 7,995 acres.¹⁸ King focused his farms’ production on cotton.¹⁹ To support this endeavor, King had amassed 186 slaves by the time he died in 1852.²⁰ These slaves worked four separate plantations—three in Perry County and one in Centreville, Alabama.²¹ An estimate of King’s cotton production over a fifteen year period reveals that he sold nearly 2,500 bales of cotton that netted over \$100,200 in proceeds.²² These sales “enabled [King] to raise cotton at a profit, and [were] the chief basis of the wealth that he acquired.”²³

9. *Id.* at 55.

10. Atkins, *supra* note 4, at 57–60.

11. *Id.* at 59.

12. *Id.* at 60.

13. *Id.* at 60 (internal quotation marks omitted) (quoting J. Wayne Flynt, *Alabama, in* RELIGION IN THE SOUTHERN STATES: A HISTORICAL STUDY 5–6 (Samuel S. Hill ed., 1983)).

14. THOMAS WAVERLY PALMER, A REGISTER OF THE OFFICERS AND STUDENTS OF THE UNIVERSITY OF ALABAMA: 1831–1901, at 77 (1901). Palmer indicates that Peyton Griffin King’s father’s name is Edmund, not Elisha.

15. WEYMOUTH T. JORDAN, ANTE-BELLUM ALABAMA: TOWN AND COUNTRY 41 (photo. reprint 1987, 1957).

16. *See id.*

17. *Id.*

18. *Id.*

19. *See id.* at 43 (“[King] was not a land speculator in the sense of buying land . . . and then selling it at a profit. He bought land to raise cotton and other produce, and throughout his residence in Alabama (1819–1852) he sold only 250 acres.”).

20. *Id.* at 44.

21. *See* JORDAN, *supra* note 15, at 44.

22. *Id.* at 49.

23. *Id.* at 50 (footnote omitted). This conclusion was confirmed, anecdotally, by an obituary published in Mobile which read:

It is important to note that for most of the nineteenth century, Alabama plantation owners measured wealth by the two benchmarks of cotton production and slave ownership. A commentator on Alabama found, “To sell cotton in order to buy negroes—to make more cotton to buy more negroes, ‘ad infinitum,’ is the aim and direct tendency of all the operations of the thorough going cotton planter: his whole soul is wrapped up in the pursuit.”²⁴ King played this to perfection.

This wealth passed to King’s son, Edwin W. King.²⁵ Between his father’s death in 1852 and 1855, he “increased his number of slaves from 109 to 152.”²⁶ In 1859, he increased his number of plantations from the four he inherited to six.²⁷ Edwin W. was not solely a cotton farmer. He also owned, among other things, a hotel in Marion and was an investor in a railroad company.²⁸

Due to the Kings’ wealth, “they lived comfortably, educated their children in approved style, contributed freely to various charities, and were leaders in their social circles.”²⁹ By no means were all plantation owners as successful as the Kings.³⁰ The record is replete with instances of plantation owners, who through lack of capital, mismanagement, or other mitigating factors, failed in their enterprise.³¹ Moreover, even many successful plantation owners were not as well-off as King—especially in the first decades of Alabama’s statehood.³² What the King story does indicate, as Jordan notes, is that “[i]n regard to the Alabama black belt, the region happened to be one place where there was an excellent opportunity of gaining an exceedingly comfortable living through operation of a cotton plantation with slave labor during the three decades before the Civil War.”³³ As will be shown later, it

Captain E. F. King, one of the oldest, most prominent and respectable citizens of Perry County, died at his residence, a few miles from Marion, on Tuesday last, the 11th inst. [May, 1852]. Capt. King had represented Perry several years in the State Legislature, at an early period of its history.—He moved to Perry among, almost the first settlers, and by his industry and sagacity amassed an ample fortune, while his many estimable traits of character secured for him, in an eminent degree, the respect and esteem of his fellow citizens. The death of such a man is a public calamity.

Id. Jordan correctly qualifies the use of profit, noting “profit in ante-bellum plantation management was a matter of degree.” *Id.* at 60.

24. Atkins, *supra* note 4, at 95–96 (internal quotation marks omitted) (quoting 2 JOSEPH HOLT INGRAHAM, *THE SOUTH-WEST, BY A YANKEE* 91 (New York, Harper & Brothers 1835)).

25. See JORDAN, *supra* note 15, at 50 (Edwin B. King was the father of Elisha King, a student at the University in 1845).

26. *Id.* at 51.

27. *Id.*

28. *Id.* at 52.

29. *Id.* at 61.

30. See SELLERS, *supra* note 2, at 19.

31. See *id.*

32. See *id.* (internal quotation marks omitted) (relating a story by Harriet Martineau in which she described the palatial plantation home in which she stayed outside Montgomery where she “could see the stars through the chinks between the logs”).

33. JORDAN, *supra* note 15, at 60.

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was from this affluent stratum of plantation owners that the University of Alabama drew its students in the mid-nineteenth century.³⁴

King's acquisition of more slaves throughout the nineteenth century was typical of Southern plantation owners. Slave ownership increased drastically during this time. In 1820, Alabama had a black population of 42,024.³⁵ This number increased to 342,884 in 1850.³⁶ This was an increase of approximately 816%. The factors for this increase included immigration of whites, natural increase through slave births, and importation by slave traders.³⁷ By the beginning of the Civil War, the South as a whole was populated by four million slaves worth a staggering \$2 billion.³⁸

The cultural dichotomy between the yeoman farmer and planter elite was almost absolute. As noted above, the yeoman's existence was one of isolation and constant work.³⁹ Contrarily, planters, early in statehood, were able to devote themselves to political, cultural, and educational foundations.⁴⁰ These energies found expression in the establishment of medical and legal practices, Masonic and fraternal societies, newspapers, banks, and infrastructure.⁴¹ Most important, for the purposes of this Article, was the implementation of an education system.

III. ESTABLISHMENT OF THE UNIVERSITY OF ALABAMA

In 1820, the legislature passed the enabling act that created the University of Alabama.⁴² By 1827, adequate funds had been raised, and Tuscaloosa was chosen as the site of the university.⁴³ Finally, in 1831 the university opened its doors to students.⁴⁴ Under the watchful eyes of dignitaries and reporters, Reverend Alva Woods, the first president of the University of Alabama, delivered the inaugural address of the university.⁴⁵ He proclaimed the university's central importance in imparting knowledge for "the safety, liberty, prosperity, and moral and religious improvement of man."⁴⁶ That first year, the university had five faculty and fifty-two students.⁴⁷ At its opening, the university had a rotunda, two dormitories (Washington and

34. See *infra* notes 68–73 and accompanying text.

35. Atkins, *supra* note 4, at 103. While it is true that the black population was not equivalent to the number of slaves, the number of free blacks in Alabama at the time was negligible and the comparison works as a rough comparative figure. See *id.* at 110 (noting that the number of free blacks was "always small").

36. *Id.* at 103.

37. See *id.* at 103–04.

38. *Id.* at 105.

39. See *id.* at 55.

40. *Id.* at 93.

41. Atkins, *supra* note 4, at 103.

42. JOHN M. GALLALEE, THE UNIVERSITY OF ALABAMA: A SHORT HISTORY 8 (1953).

43. *Id.*

44. *Id.* at 9.

45. See CLARK, *supra* note 1, at 37.

46. *Id.*

47. *Id.*

Jefferson Colleges), a lyceum, and Steward's Hall.⁴⁸ From these humble beginnings, the university emerged. From that point until today, the university has consistently grown and developed.⁴⁹

IV. ANALYSIS OF THE STUDENTS AT THE UNIVERSITY

A. 1845: A snapshot

By 1845, there were ninety-nine students studying at the university.⁵⁰ Of these students, there was one resident graduate, thirteen seniors, twenty-six juniors, thirty-six sophomores, and twenty-three freshmen.⁵¹ This was smaller than the 114 students of 1844⁵² but slightly larger than the ninety-two students of 1846.⁵³ The university was in the midst of structural growth, and the university had just constructed its modern astronomical observatory in 1844.⁵⁴ But Clark notes that 1845 was important due to an “insurrection among the students” in reaction to a faculty “attempt to enforce the ‘exculpation law.’”⁵⁵

48. *Id.* at 38.

49. This excepts the period during the Civil War when the university was functionally razed by Union forces. See JAMES B. SELLERS, HISTORY OF THE UNIVERSITY OF ALABAMA 285–88 (1953) [hereinafter SELLERS, HISTORY OF THE UNIVERSITY OF ALABAMA]. Today, the university houses over 20,000 students.

50. CLARK, *supra* note 1, at 60; see also PALMER, *supra* note 14, at 75–88 (listing graduates and non-graduates of the university for the years 1845–1848). Women were excluded from the university because at the time, education was thought to be detrimental to women. A Montgomery minister wrote in 1850 that

[A] woman . . . “ought to be trained to tastefulness and mental activity, for the pleasures which they afford her—for the power which they give her over her own feebleness, for the security which they yield against no small share of the ills of existence, and lastly for the peace and joy they so gently shed over her social relationships.”

WAYNE FLYNT, MONTGOMERY: AN ILLUSTRATED HISTORY 7 (1980)).

51. CLARK, *supra* note 1, at 60.

52. *Id.* at 59 (noting that in 1844 there were nineteen seniors, twenty juniors, forty-one sophomores, and thirty-four freshmen).

53. *Id.* at 63 (noting there were seventeen seniors, twenty-seven juniors, nineteen sophomores, and twenty-nine freshmen). Clark also notes that contrary to the student body of 1845, the 1846 student body “was one of remarkably good order and devotion to study.” *Id.*

54. See *id.* at 58 (noting that the observatory was “fifty-four feet in length by twenty-two in breadth in the centre” and that “[t]he west wing is occupied by a transit circle, constructed . . . having a telescope of five feet focal length, with an object glass of four inches clear aperture”). The observatory has symbolic importance because it was the only building to escape the fire set by Union forces during the Civil War. *Id.* at 58 n.1.

55. *Id.* at 59. Clark relates the story as such:

On Wednesday, February 19th, a disturbance took place on the campus and in the dormitories. This disorder consisted in shouting at ladies who were walking in the college grounds, and flashing sunlight into their faces from mirrors. The president addressed the students at prayers next morning, and invited those who were concerned in the disorder to give up their names, and those who were not to “exculpate” themselves. As nobody appeared on Thursday to “exculpate” himself, the occupants of the rooms in Washington College [one of the four dormitories], from which the light had been cast into the faces of the ladies, were called before the Faculty and charged with the offence. All refused to confess or deny the charge, and were forthwith suspended for contumacy.

On the night of Monday, the 4th, a riot occurred as the result of the excitement in college arising from the suspension of the inmates of Washington College. Gates and window blinds

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The legislature also made its first attempt to establish a law school.⁵⁶ The school was set up under strict regulations. The program required two years of study, forbade undergraduates from participation, forbade law school curriculum being performed in the university halls, forbade law school students from residing in the university's dorms or in Steward's Hall (a private boarding house overseen by the university faculty), and charged fifty dollars in tuition annually—which the law professor would collect directly from the law students.⁵⁷ Perhaps because of the lack of support the legislature offered the fledgling law school program, there were apparently no applicants to the program, “and the school was abolished the next year.”⁵⁸ The irony of the law school's failure is apparent when highlighted by the fact that, of the seventy-eight university students' subsequent careers (noted in the *Register of the Officers and Students of the University of Alabama: 1831–1901*) twenty-two of them were lawyers.⁵⁹ Legal practice thus represents the most preferred career of university students from the student body of 1845.⁶⁰

B. Where the 1845 Alabama Students Came From

Despite the university's status as the state's university, it did not service the state equally. In fact, the university's students primarily came from two places: 1) Tuscaloosa County and 2) the Black Belt.⁶¹ All but five of the

were removed and several of the college buildings were barred up. A few students who were suspected of being the offenders were summoned and required to “exculpate” themselves. They refused and were at once suspended. A large number came forward the next day and acknowledged that they had had some share in the disorders of both occasions. The Faculty resolved to test their feelings by requiring their subscription to the following paper:

“We, whose names are hereunto subscribed, do hereby declare our cordial disapprobation of the acts of Wednesday, the 19th instant, which, though thoughtlessly done, we perceive with regret, were in violation of the decorum and the respect due to ladies; and we promise that while we are students of this University we will not engage in any act which we have reason to suppose will be interpreted as an insult to a lady.[”]

“We also hereby express our disapprobation of the disorders of Monday night, and, so far as we participated in disorder or a breach of the laws on either occasion, we ask forgiveness of the Faculty.”

Eleven signed this paper in silence. A few refused to sign it and were suspended. Others signed, but accompanied their signatures with offensive words, importing that they regarded the action of the Faculty as oppressive and tyrannical. These were required to withdraw from the University without public censure.

All these students finally came back to the University, signed the declaration, and were restored to their classes.

Id. at 59–60.

56. *See id.* at 60.

57. *Id.*

58. *Id.*

59. *See PALMER, supra* note 14, at 75–86. It was not until 1872 that another state funded law school was instituted. SELLERS, HISTORY OF THE UNIVERSITY OF ALABAMA, *supra* note 49, at 388.

60. *See PALMER, supra* note 14, at 75–86 (highlighting that twenty-two students became lawyers, twenty-two became planters, fourteen became physicians, five became teachers, and two became ministers).

61. *Id.*



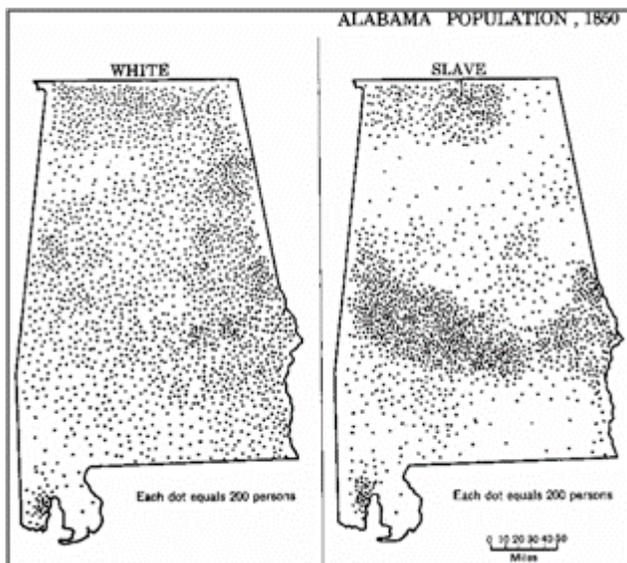
Diagram B

Specifically, there was no overpopulation of whites in the Black Belt counties.⁶⁵ This population density is reflected in Diagram C. Conversely, Alabama's slave population was localized in two areas. First, a large establishment was located in the upper Tennessee Valley.⁶⁶ Second, and more dramatically, there was a large presence in the Black Belt counties.⁶⁷ As can be seen in the slave distribution, the geographic origins of the university's student body closely mimic the areas of high slave concentration. Compare Diagrams A and C.

65. *See id.*

66. *See id.* (noting that the slave population was "scarce south of the Tennessee River as far as the Black Belt").

67. *Id.*

Diagram C⁶⁸

C. Slave Ownership and University Students

As the correlation between students coming from the Black Belt and the concentration of slaves suggests, the families of university students in 1845 were tied to the institution of slavery. Slavery expanded rapidly in the South during the first three-fifths of the nineteenth century. There were 385,000 slaveholders by the year 1860.⁶⁹ Dal Lago notes:

Within this figure, yeomen who owned from one to five slaves were half of the slaveholding population, while owners of ten to twenty slaves formed 38 percent of it; at the peak of the pyramid, the top 12 percent was made of planters, or owners of twenty or more slaves.⁷⁰

Starobin finds

The typical slaveholder was a farmer who owned one or two slave families and a few hundred acres of good land; however, 12 per cent [sic] of the slaveowners—the planter class—owned more than twenty slaves each, monopolized more than half of the slave population, and possessed the best southern lands of all.⁷¹

68. *Id.* at 381.

69. ENRICO DAL LAGO, *AGRARIAN ELITES: AMERICAN SLAVEHOLDERS AND SOUTHERN ITALIAN LANDOWNERS 1815–1861*, at 66 (2005). Dal Lago drew his statistics from Smith's *Debating Slavery*. *Id.* at 66 n.67; see also ROBERT S. STAROBIN, *INDUSTRIAL SLAVERY IN THE OLD SOUTH* at 5 (1970) (noting there were nearly 400,000 families owning slaves).

70. DAL LAGO, *supra* note 69, at 66.

71. STAROBIN, *supra* note 69, at 5.

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University students in 1845, for the most part, were not from typical southern families. Based on the 1840 census, the families of the 1845 student body held at least 3,343 slaves.⁷² This comes to a staggering mean of 43.42 slaves per student. Of the ninety-one students present at the university in 1845, information concerning slave holdings could be found for seventy-seven students.⁷³ As such, the mean number is based on the students for whom information could be gathered. An argument could be made that the students who were not found came from families without much social standing and slid through the cracks of the census.⁷⁴ If this is true and it is assumed that these students' families owned no slaves, the average number would be lowered to 36.74 slaves per student.

While this is plausible, there are other scenarios that appear more likely. First, students not found may have only spent a short time at the university and failed to establish lasting connections with the university or other students such that no information could be gathered for the *Register of the Officers and Students of the University of Alabama: 1831–1901*. There could also have been a death of a student's father or mother prior to 1840. In that case, the family's holdings would be held under a different family member's name unknown from the available information. In such a situation, there is no indication that the missing family's slave holdings would be incongruent with those of known students. Whether the higher number of 43.42 or the lower number of 36.74 is used, the average slave holdings places the students within the top 12% of Southern society at the time.

While this number is staggering, there are indications that the number of slave holdings by these students' families and the relation to overall slave ownership in Southern society could be drastically higher. First, the figures derived by Kenneth Stamp and used by Dal Lago and Starobin represent slave ownership in 1860.⁷⁵ The numbers used were taken twenty years prior.⁷⁶ A sample of the 1845 seniors and their families in the 1850 census show a drastic increase in slave ownership.⁷⁷

There were fifteen seniors in the 1845 class.⁷⁸ Of these, there was one student, John Smith Cleveland, whose family could not be found in the 1840 census. In the 1850 slave census, information was found on nine stu-

72. 1840 Census.

73. 1840 Census.

74. See Shane T. Stansbury, *Making Sense of the Census: The Decennial Census Debate and Its Meaning for America's Ethnic and Racial Minorities*, 31 COLUM. HUM. RTS. L. REV. 403, 403 (2003) ("Since 1790, when the first census was conducted, every decennial census in the nation's history has proved inaccurate, resulting in a persistent 'undercount' of the general population.").

75. KENNETH M. STAMP, *THE PECULIAR INSTITUTION: SLAVERY IN THE ANTE-BELLUM SOUTH* 29–32 (1956).

76. 1840 Census.

77. 1850 Census.

78. PALMER, *supra* note 14, at 75–76 (noting that the senior students were Noah Alfred Agee, Jonathan Buck, Rufus Hargrove Clements, John Smith Cleveland, Chelsea Monroe Cook, Arthur Foster, William Maynard Gill, Charles DeWitt Graham, La Fayette Guild, Richard Ryland Hunley, John David Johnston, Samuel Silenus Murphy, Rufus Lewis Perkins, Benjamin Franklin Saffold, and John Frederic Steele).

dents.⁷⁹ These nine students' families owned 565 slaves. This created a mean of 62.78 slaves per student. These same students' families showed ownership of 402 slaves in the 1840 census,⁸⁰ an increase of 163 slaves or a mean rise of over 21%.

There are two obvious explanations for this increase. The first is that the decades of the mid-nineteenth century were the heyday of a prospering Alabama economy.⁸¹ As more wealth found its way into Alabama through cotton farming, it is only natural that these families would acquire more slaves for greater cotton production.

Second, the 1840 census did not accurately relate the families' slave holdings. Most commonly this could occur due to the specific questions asked by census takers. Specifically, the questions relating to children, family, and slaves concerned those in the household. As demonstrated by the discussion of the King family earlier, larger planters owned more than one plantation.⁸² For 1840 census purposes, it is possible that the number of slaves owned were only given for the plantation on which the family resided.

Finally, much like today, people lie when asked to complete a census survey.⁸³ Despite government assurances that the census will not be used for tax or legal actions, many people, then as now, are distrustful of where the census information will go. Since the Southern society tax system was based largely on slave ownership, it would be only natural for slave owners to underreport their slave holdings. Whether through increased prosperity, more specific questioning, or through underreporting, the 1850 Slave Schedule serves as a better barometer of slave ownership since it was designed to specifically enumerate slaves and indicates much higher slave holdings.

An overall average of slave ownership, while helpful in many ways, is not completely illustrative of the relative wealth or status of the families of university students. For instance, the average number of 43.42 slaves per student family could be reached if 15 students' families owned just over 220 slaves and the other 47 known students' families owned no slaves. In such a situation, the proportion of university students would mirror the slave ownership rates determined by Stamp and shown in the following diagram.⁸⁴

79. See 1850 Slave Census (listing the holdings of the Agee, Buck, Clements, Foster, Graham, Guild, Hunley, Johnston, and Saffold families).

80. See 1840 Census.

81. See JORDAN, *supra* note 15, at 42–43.

82. See *id.* at 44.

83. See Eugene P. Ericksen, Joseph B. Kadane & John W. Tukey, *Adjusting the 1980 Census of Population and Housing*, 84 J. AM. STAT. ASS'N 927, 928 (1989) (“Many of the ‘counts’ were duplicated, fabricated, or otherwise erroneous. Census Bureau statisticians . . . estimated that there were 6 million erroneous enumerations in 1980. Most were duplications, but as many as 1 million were fabrications . . .”).

84. See STAMP, *supra* note 75, at 29–32.

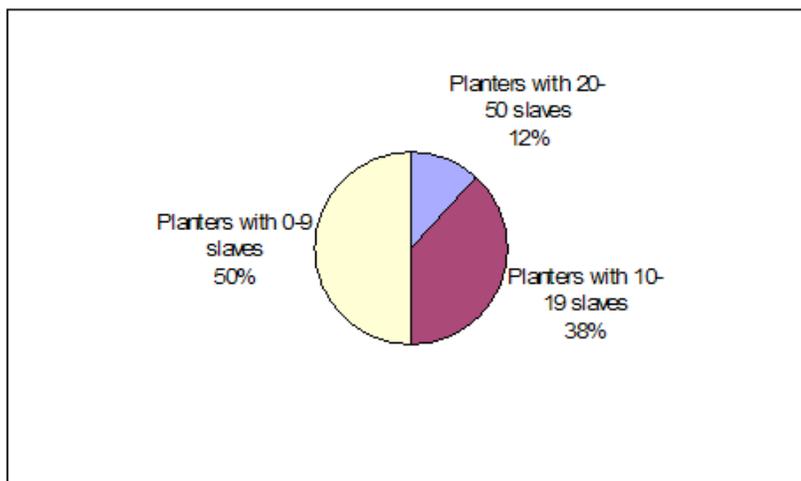


Diagram D

The ownership of slaves by families of students in 1845 is incongruent with this model though. Using the above criteria, there were 24 students with family slave holdings of 0–9, seven with slave holdings of 10–19, 21 elite planters with 20–50 slaves, and 27 “super” elite planters with 50 or more slaves. See diagram E.

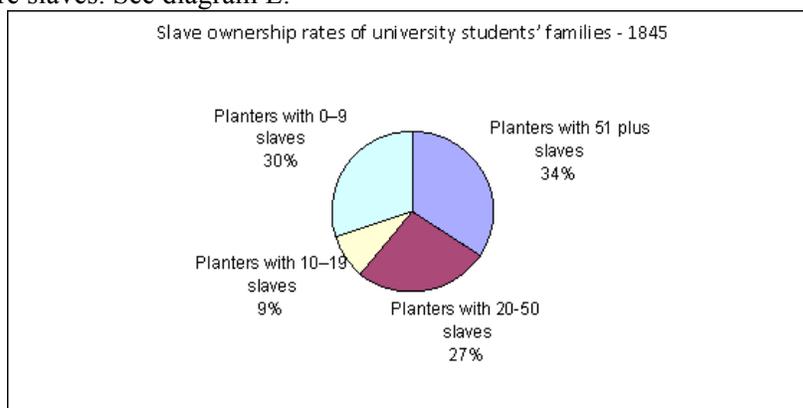


Diagram E

At the university in 1845, 61% of the students came from 12% of the population. Interestingly, the middling farmer, those with 10–19 slaves, are the most underrepresented at the university. They numbered seven and were 29% below that of the general population. The yeoman farmer, with 0–9 slaves, was 20% below the general population—a number not too surprising based on the farmer’s limited economic resources.

A look at the senior class through the 1850 census is similar to the numbers found in the 1840 census. One student’s family held 0–9 slaves, two held 10–19, two held 20–50, and four held 51 or more. See Diagram F.

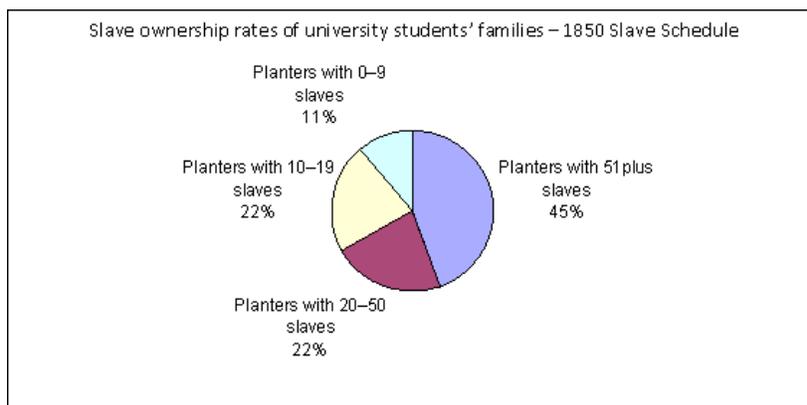


Diagram F

In this sample, there is a marked decrease in the 0–9 range and consequent rise in the 10–19 range. The 20 plus area of elite planters was a negligible 6% different. Based on this information, it is clear that the students at the university were not isolated yeoman farmers. In fact, the majority of students at the university drew from the extreme upper crust of Alabama planters.

Amazingly, only six of the students' families had no listed slave holdings in 1840. This means that over 90% of the families sending students to the university in 1845 owned slaves. The percentage of families owning slaves in Alabama at the time was only 35%.⁸⁵

Although these students' families did not own slaves, this is not dispositive of their familial wealth. Three of these six hailed from Tuscaloosa, and the other three came from Blount, Wilcox, and Barbour counties. Since Tuscaloosa was the home of the university and Blount and Barbour counties were not from the Black Belt, it is not surprising that students lacking slave holdings would be able to attend the schools. Further, there is an indication based on the careers they chose that they came from professional non-farming families. From this lot there were three lawyers, a druggist, a civil engineer, and interestingly, a planter.⁸⁶

Despite the assertions by university faculty, the students were not typical frontiersmen released from the wild savagery of the wilderness.⁸⁷ The starkness of the wealth of students' families can be seen by examining Archibald John Battle. Archibald hailed from Barbour County and was a sophomore in 1845.⁸⁸ He would later attend Howard College,⁸⁹ Columbia

85. See *id.* at 30.

86. See PALMER, *supra* note 14, at 75–80 (noting that Chelsea Cook was a lawyer, John David Johnston was a druggist, John Frederick Steele a civil engineer, Newberne Hobbs Browne was a lawyer, Robert Tait was a planter, and Maximilian Bethune Wellborn was a lawyer).

87. See *id.*

88. See *id.* at 79.

89. Howard College is now known as Samford University in Birmingham, AL. It should not be confused with Howard University in Washington, DC, an historically black university.

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University, the University of Georgia, and Mississippi College.⁹⁰ After his education he became an educator serving as tutor of ancient languages at the University of Alabama; a professor of Greek at the University of Alabama; and the President of A.C.F. College, Judson F. Institute, Shorter College, Anniston College for Young Ladies, and Mercer University.⁹¹

Archibald was the son of Cullen Battle, a doctor and planter from Eufaula.⁹² The 1840 census shows that Battle owned 219 slaves.⁹³ A determination of the worth based on slave equity is a complicated matter, but it can be surmised by comparing Cullen Battle's slave holdings to the inventory prepared by James Coles Bruce, a Louisiana planter, in 1849.⁹⁴ Based on the mean average of the Bruce inventory, a rough estimate can be made that male full hands would value \$800, female full hands would value \$450, male half hands would value \$350, female half hands would value \$250, and zero hands would value \$175.⁹⁵

The 1840 census shows that of the 219 slaves Battle owned, 110 were male and 109 were female.⁹⁶ Of the male slaves, 35 were under 10 years old, 38 were age 10–24, 15 were age 24–35, 21 were aged 36–55, and one was over 55 years old.⁹⁷ Of the female slaves, 43 were under 10 years of age, 25 were aged 10–24, 24 were aged 24–35, 14 were aged 35–55, and three were over 55 years old.⁹⁸

Based on this analysis, Battle respectively owned 36 and 38 male and female full hands, 29 and 28 half hands, and 35 and 43 zero hands. Based on average values set forth by Bruce, the male full hands were worth \$28,800, the female full hands were worth \$17,100, the male half hands were worth \$10,150, the female half hands were worth \$7,000, and the zero hands were worth \$13,650. All together Battle's slave holdings valued

90. *Id.*

91. *Id.*

92. *Id.*

93. John McNab, *Schedule of the whole number of persons within the division allotted to John McNab by Marshal of the Southern District of Alabama*, 1840 U.S. CENSUS 56, 56 (1840), microformed on 1840 U.S. Census, Barbour County, Ala. (available in the Hoole Library at the University of Alabama).

94. The inventory of James Coles Bruce is reprinted in *SLAVERY IN AMERICA: A READER AND GUIDE* 234–38 (Kenneth Morgan ed., 2005). Bruce's inventory was thorough—including names, ages, full hands, half hands, value, and remarks. *Id.* at 234. Full hands were adult slaves capable of undertaking heavy field work. Half hands were young children, sick slaves, or elderly slaves incapable of strenuous work. *Id.* It also appears that slaves could be listed as half hands based on their disposition. *See id.* at 234–35 (noting that Old Mat M., while only 35, was a “half hand” due to consumption, and Tellemark was a half hand who was an “African King, no account”). As a rule, it appears that in Bruce's eyes, slaves aged 30–50, absent some physical or personal problem, were full hands; those outside this range were half hands—except for children six and under who were zero hands. *See id.* at 234–36. Male full hands were valued between \$500 and a \$1200, female full hands were valued between \$400 and \$500, male half hands were valued between \$200 and \$500, female half hands were valued between \$100 and \$400, and male and female zero hands were valued between \$100 and \$250. *Id.* at 234–37.

95. *Id.* at 234–37.

96. McNab, *supra* note 93, at 56.

97. *Id.*

98. *Id.* For purposes of this analysis, I will assume that all slaves under 10 years old are zero hands, those slaves aged 10–24 and above 55 are half hands, and those between 25 and 54 years old are full hands.

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\$76,700. It must also be remembered that a slave's worth, based on this system, had built-in equity and built-in depreciation. That is, as slaves got older their value would ultimately decline, but as younger slaves aged, their value would increase. Since American slaves had a positive growth (as opposed to their Caribbean counterparts) between birth and death rates, planters such as Battle possessed a self-generating commodity. Also, this wealth figure does not account for real estate holdings, non-slave commodities, other business ventures, or investments. Clearly, not all students possessed wealth as dramatic as Battle's family, but over 60% of them possessed wealth disproportionate to 88% of Southern society.

D. Alabama Students, 1845–53: An overview

The ratio of student to slaves in 1845 was not an abnormality. As Diagram G shows, for the nine years between 1845 and 1853, the mean remained fairly similar.⁹⁹

<u>Year</u>	<u>Students</u>	<u>Slaves</u>	<u>Mean</u>
1845	38	1399	36.81579
1846	17	758	44.58824
1847	20	927	46.35
1848	26	1216	46.76923
1849	18	439	24.38889

99. See generally Various, *Schedules of the whole number of persons within the divisions allotted to marshals of the districts of Alabama*, 1840 U.S. CENSUS (1840), microformed on 1840 U.S. Census, Ala. (available in the Hoole Library at the University of Alabama).

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1850	9	376	41.77778
1851	7	242	34.57143
1852	41	1665	40.60976
1853	37	1021	27.59459
Total	176	7022	39.89773

Diagram G

As these numbers indicate, the mean over this period was over 3.5 slaves higher than the 1845 class. The most amazing years in this period were 1847 and 1848—where the mean was well over 46 slaves per student. The lowest the mean reached in any single year was 1849, when the mean reached just over 26 slaves per student. While in this context 26 represents a small number, it would still place the students in the top 10% of slave ownership of the period.

The most interesting year, which most reflects the standard but mistaken university scholarship of a dichotomy between students who had and students who had not, was 1850. In that year Cullen Battle Jr., son of Dr. Cullen Battle,¹⁰⁰ matriculated into the University. Based on the 1850 Slave Schedule, his father owned 243 slaves.¹⁰¹ This was of 376 slaves attributed to families of the 1850 class, representing 65% of the total slaves. Without Battle and Battle's family slaves, the mean between students and slaves would only be 13. While this number would place the students within the top third of white slave ownership of the time, it is far smaller than the top 2–3% represented by the 46 slaves per student family over the entire period.

The ratio becomes even smaller when another student, John McKee Gould of Greene County, is removed from the equation. Based on the 1850 Slave Schedule,¹⁰² Gould's father, William P. Gould, owned 64 slaves.¹⁰³ With these two students removed, seven students' families owned sixty-nine slaves. This renders, in the context of this class's slave ownership, an anemic 9.86 slaves per student. Outside the two aforementioned families, no family owned over twenty slaves and only three owned over ten. Despite the abnormality of 1850, the overall trend of the nine years between 1845 and 1853 displays a student body of profound wealth.

100. PALMER, *supra* note 14, at 94.

101. Various, *Slave Inhabitants in the county of Barbour, in the state of Alabama, as enumerated by me*, 1850 U.S. CENSUS (1850), *microformed on Slave Schedules*, 1850 U.S. Census, Barbour county, Ala. (available in the Hoole Library at the University of Alabama).

102. *Id.*

103. J.P. Mathis, *Schedule I – Slave Inhabitants in the county of Greene in the state of Alabama, enumerated by me*, 1850 U.S. CENSUS 192–93 (1850), *microformed on Slave Schedules*, 1850 U.S. Census, Greene County, Ala. (available in the Hoole Library at the University of Alabama). Outside of Battle, Gould's family was the only to own over 50 slaves. Together, Gould's and Battle's families owned almost three-fourths of the slaves for the 1850 class.

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There are strong indications that the extreme wealth of university students may have even been more profound. One of these indications is found from a student named Randle Tscharner Blewett.¹⁰⁴ Blewett appears to have attended the university for one year and, hence, was not included in the 1845 snapshot discussed earlier.¹⁰⁵ Blewett was one of the minority of students who came from out of state—in this case, Mississippi.¹⁰⁶ Despite only one year of school, Blewett's biography shows that he held a position as a probate judge before being killed while serving as a captain in the Confederate States of America at the Battle of Richmond.¹⁰⁷ A cursory look at Blewett's father's slave schedule reveals slave ownership of only 37 slaves.¹⁰⁸ The 1860 Census shows an increase of 65 slaves,¹⁰⁹ which on its own represents a drastic increase in wealth. Beyond this, the actual 1850 general census sheet shows that Blewett had real estate valued at \$150,000.¹¹⁰ This real estate value is significantly disproportionate from planters who owned the same amount of slaves. In fact, an average real estate value for slave owners with between 30 and 40 slaves was around \$7,000.¹¹¹ Since Blewett was a planter, it is easily inferred that the slave count was drastically underestimated.

This same abnormality occurs with John Francis Williamson Toland, a student at the university in 1848.¹¹² Toland also hailed from Mississippi and would become a teacher and minister.¹¹³ Toland's father, Joseph Toland, was a planter attributed with 30 slaves in the 1850 Slave Schedule.¹¹⁴ Despite this, he shows a real estate value of \$26,440.¹¹⁵ As noted with Blewett above, the most natural inference is an undercount of slaves.

E. Careers

Since a majority of these students came from the upper crust of Alabama society, it is not surprising that they would represent a Who's Who in the pantheon of Alabamians during the second half of the nineteenth centu-

104. PALMER, *supra* note 14, at 81.

105. *Id.*

106. *Id.*

107. *Id.*

108. N.H.H. Patterson, *Slave Inhabitants in the county of Lowndes, in the state of Mississippi, as enumerated by me*, 1850 U.S. CENSUS 139, 144, 150 (1850), *microformed on Slave Schedules 1850*, Lowndes county, Miss. (available in the Hoole Library at the University of Alabama).

109. Various, *Slave Inhabitants in the county of Lowndes, in the state of Mississippi, as enumerated by me*, 1860 U.S. CENSUS (1860), *microformed on Slave Schedules*, 1860 U.S. Census, Lowndes county, Miss. (available in the Hoole Library at the University of Alabama).

110. Patterson, *supra* note 108, at 126.

111. *See* 1850 CENSUS ROLE ABSTRACTS (1850) (involving students from 1848) (in possession of author).

112. PALMER, *supra* note 32, at 85.

113. *Id.*

114. Patterson, *supra* note 108, at 56.

115. N.H.H. Patterson, *Free Inhabitants in the county of Lowndes, in the state of Mississippi, enumerated by me*, 1850 U.S. Census 80 (1850), *microformed on Free Schedules*, 1850 U.S. Census, Lowndes county, Miss. (available in the Hoole Library at the University of Alabama).

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ry. From students attending the university in 1845 alone, the list includes eight members of the state general assembly, two state senators, two mayors, five judges, four members of state constitutional conventions, one Alabama Supreme Court justice, three trustees of the University of Alabama, two newspaper editors, two U.S. consuls to foreign countries, and one member of the U.S. House of Representatives.¹¹⁶ All in all, of seventy-eight students listed as attending the university in 1845, there were two ministers, five educators, fourteen physicians, twenty-two planters, and, most of all, twenty-two lawyers.¹¹⁷

Clearly, the average student attending the university in 1845 came from a wealthy family. The major treatment of the university's students is found in James Sellers's *History of the University of Alabama*. Perhaps because of the date of publication, the monograph lacks much in the way of analysis relating to the nature of the institution's students and their familial connections during the antebellum period.¹¹⁸ Indicative of this is the anecdotal treatment Sellers gives to illuminate the students. Along this line, Sellers spends the better part of five pages discussing the procedures and strictures guiding faculty monitoring of the boys' residence halls.¹¹⁹ While this may not seem too long, the chapter devoted to students is a mere thirty pages in its entirety.¹²⁰ Further, the sources that Sellers uses to discuss the students are limited to three types of sources: 1) minutes of the university; 2) inference from legislative enactments; and 3) personal letters and memoirs of university students. Unfortunately, in the case of the last of these sources, Sellers only extracts information relating to the functioning of the university and the interaction of the students and faculty.¹²¹ The other two types of sources, while instructive to writing an institutional history, at best lack the ability to identify and explore the nature of the students; at worst, they perpetuate a Foucault model by which the aberrant becomes the norm.¹²²

This confusion of the aberrant as the norm is epitomized by Sellers's incessant syllogism between the students' behavior in relation to faculty rules as indicative of their overall upbringing and family guidance. The logic goes that students misbehaved, misbehavior was against the rules, thus, the

116. PALMER, *supra* note 14, at 75–82.

117. *Id.*

118. See Robert D. Reid, Book Review, 36 J. NEGRO HIST. 86, 87 (1951) (“The study is largely descriptive rather than analytical . . .”).

119. SELLERS, HISTORY OF THE UNIVERSITY OF ALABAMA, *supra* note 49, at 122–26.

120. *Id.* at 115–44.

121. *Id.* at 119 (noting Oran Roberts's recollection of the enrollment procedures at the university in 1833).

122. Foucault undertook studies of how enlightenment-era societies sectioned off the deviant characteristics of the population in order to produce a norm desired by society. See, e.g., MICHEL FOUCAULT, MADNESS AND CIVILIZATION: A HISTORY OF INSANITY IN THE AGE OF REASON 58 (Richard Howard trans., Random House, Inc. 1965) (1961) (“In the classical age, for the first time, madness was perceived through a condemnation of idleness and in a social immanence guaranteed by the community of labor.”); *id.* at 46 (“[C]onfinement was required by something quite different from any concern with curing the sick. What made it necessary was an imperative of labor.”).

student body had no respect for the rules.¹²³ Sellers's discussion of the students is replete with situations such as this. This is most glaring when Sellers cites an investigative committee report that stated, "The newly-prosperous cotton planters pampered their sons in childhood, gave them slaves to wait upon them, and sent them off to college equipped with an extravagant wardrobe, an extensive supply of dirks, pistols, bowie knives, and swords, and an unlimited credit in the town of Tuscaloosa."¹²⁴ Sellers's conclusion was that discipline problems arose from these indulgences because "[s]poiled sons of wealthy parents came arrogantly to the campus, ready to resent and resist any effort at control."¹²⁵ In essence, they had no choice but to be rebellious.¹²⁶ Gallalee, in *The University of Alabama: A Short History*, a work based in large part on Sellers's manuscript, made the conclusion that "Alabama was the frontier; its sons did not take kindly to restraints."¹²⁷ This "rebellion" was chronicled by Sellers and Gallalee through stories of weapon possession,¹²⁸ food fights,¹²⁹ fist fights,¹³⁰ and cheating. Again, this anecdotal evidence only works to distort the actual image of students at the university. Where the sources used were created primarily to document transgressions, they fail to illuminate the whole of the students.

The Foucault paradox becomes apparent by looking at the sources through the eyes of the administration. Lack of education and transgressions against rules were judged through the eyes of the faculty. As such, they were the very people who viewed the students in hyper-vigilance to affect their own agenda. Based on transgressions against the administration's hyper-vigilant rules, a written record was created and accepted by Sellers and Gallalee. Further, by portraying the students as uneducated frontiersman, the administration would shine in reflection of the polished businessmen and statesmen they molded from hewn frontiersman clay.¹³¹

It is true that the planter class in Alabama, and the South as a whole, was newly formed gentry. One commentator noted that "the sudden acquisition of wealth in the cotton-growing region of the United States, in many instances by planters commencing with very limited means, is almost mi-

123. See SELLERS, HISTORY OF THE UNIVERSITY OF ALABAMA, *supra* note 49, at 122–26.

124. *Id.* at 226.

125. *Id.*

126. *Id.* The choice of "rebellion" by Sellers is insightful not only for its foreshadowing of the Civil War to come, in which many university students would participate, but also for its reflections upon the era of massive resistance in which Sellers wrote.

127. GALLALEE, *supra* note 42, at 10; see also *id.* at 7 (noting that the work was based on the 1931 Centennial edition of the *Crimson-White* and Sellers' work on the university).

128. SELLERS, HISTORY OF THE UNIVERSITY OF ALABAMA, *supra* note 49, at 227–28.

129. *Id.* at 233.

130. *Id.* at 232.

131. See CLARK, *supra* note 1, at 38 (highlighting that the university produced "distinguished citizens" such as "Marion Banks, William W. King, Robert B. McMullen, Alexander B. Meek, Burwell Boykin, William A. Cochran, James D. Webb, William B. Inge, Samuel W. Inge, William R. Smith, George D. Shortridge, Thomas A. Walker, Jere[miah] Clements, John B. Read, Walter H. Crenshaw, G. F. Manning, [and] John A. Nooe").

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raculous.”¹³² This commentator attributed this rise in wealth on the planter’s investment of “nearly the entire amount of their cotton crops . . . to the increase of their capital.”¹³³

Despite the fact that the many planters’ wealth was newfound, there are several factors that militate against a blanket classification of them and their children as typical frontiersmen. First, while many planters settled in Alabama with small holdings in capital, slaves, and real estate, they came from well-established families in Virginia, the Carolinas, and Georgia.¹³⁴ Indicative of this is the migration of “wealthy planters, merchants, and professional men from the Broad River region of Georgia” into the Tennessee Valley and Montgomery areas.¹³⁵ These families had been tobacco planters in Georgia, and prior to settling Alabama, they developed partnerships with each other.¹³⁶ In the process they “amass[ed] sizable economic holdings.”¹³⁷ These families’ wealth, affluence, and political power continued when they arrived in Alabama.¹³⁸

Second, the paradigm of frontiersman drinking and brawling absent family strictures is not appropriate to this time or to the new planter elites. As Dupre notes, “This was not a rough frontier of rootless, single men; the sex ratio of 473 white men to 388 white women [in Madison County] suggests that families like the Taylors [ones that came to the region at one time] predominated.”¹³⁹ As such, these settlers reestablished the familial nexuses and binds previously established in the East Coast states.

Finally, cotton planters finding newfound wealth formed a “self-made gentry.”¹⁴⁰ To establish this, planters became more refined—albeit in “a distinctively entrepreneurial attitude vis-à-vis plantation agriculture and slave management.”¹⁴¹ This involved a system where “[p]lanters and slaveholders systematically adopted a paternalistic rhetoric to describe the master-slave relationship, one that combined success and efficiency in work management with the masters’ constant interest and often intrusion in the slaves’ lives.”¹⁴² A most striking image of planters’ aims at redefining themselves as established gentry is the erection of Classical mansions or

132. DAL LAGO, *supra* note 69, at 66–67 (internal quotation marks omitted) (quoting *Fact, Fancy, and Fun: by a Southern Lawyer*, 3 HARPER’S WEEKLY 84 (Feb. 5, 1859)).

133. *Id.* at 67 (internal quotation marks omitted).

134. See DAL LAGO, *supra* note 69, at 66 (noting there were “already established planters”); DANIEL S. DUPRE, *TRANSFORMING THE COTTON FRONTIER: MADISON COUNTY ALABAMA, 1800–1840*, at 28–29 (1997); VIRGINIA VAN DER VEER HAMILTON, *ALABAMA: A HISTORY* 104 (1977) (“Some scions of wealthy families sought a fresh bonanza . . .”).

135. DUPRE, *supra* note 134, at 28. Two of these immigrants were William Wyatt Bibb and Thomas Bibb. See *id.* The prior would become the first governor of the state of Alabama, 1 THOMAS MCADORY OWEN, *HISTORY OF ALABAMA AND DICTIONARY OF ALABAMA BIOGRAPHY*, 127–28 (photo. reprint 1978) (1921); the latter would be the second governor and the namesake for Bibb County, *id.* at 663.

136. See DUPRE, *supra* note 134, at 28.

137. *Id.*

138. See *id.* at 28–31.

139. *Id.* at 20.

140. DAL LAGO, *supra* note 69, at 66.

141. *Id.*

142. *Id.* at 67–68.

plantation houses.¹⁴³ These “mansions bespeak a sociable nature and a yearning for entertainment to allay the loneliness and fears of backwoods existence. Some planters built in neighborly clusters Reception rooms, double parlors, large dining rooms, and ballrooms indicate that houses were planned with hospitality in mind.”¹⁴⁴

Within this paradigm, or “honor system,” as Robert Pace would term it,¹⁴⁵ it is only natural that this gentry class would choose the University of Alabama. As Pace notes:

There were two general types of institutions of higher learning for men in the Old South—state universities (which included military institutes) and church colleges. Generally, state universities, created by legislators who believed that higher education was important to develop leaders in society, held the most prestige among southern institutions of higher learning. Secular colleges . . . provided good alternatives to the university.¹⁴⁶

These state universities provided a forum for “grand aspirations,” where students “saw their education as the path to leadership, fame, and fortune.”¹⁴⁷ Here lies the paradox that university commentators, Sellers, and Gallalee failed to realize.

V. CONCLUSION

While it was true that Alabama was, in many respects, a land of frontier, a land of yeoman farmers whose existence was plagued by dire conditions and isolation, its student body was not reflective of this existence. Instead, the students of the university were from a society lavish with familial and societal connections and the yearning to become more cultivated. Robert S. Starobin succinctly noted that “[t]he planter class was a ‘power elite’ because of its economic function, wealth, status, and tradition of leadership.”¹⁴⁸ These sons of a “power elite,” not the sons of typical frontiersmen populated the halls of the University of Alabama in the mid-nineteenth century.

143. See HAMILTON, *supra* note 134, at 106–10; SELLERS, *supra* note 2, at 20 (“Many of [the planters’] homes were lavishly furnished, affording all the comforts of their day. They were staffed by well trained chamber-maids, butlers, chefs, and house-boys. The large planter’s family had means and leisure to live a life of ease and merriment.”).

144. HAMILTON, *supra* note 134, at 109–10.

145. See ROBERT F. PACE, HALLS OF HONOR: COLLEGE MEN IN THE OLD SOUTH 5–9 (2004) (describing the “code of honor” prevalent in the schools of the South).

146. *Id.* at 13.

147. *Id.* at 14.

148. STAROBIN, *supra* note 69, at 5–6.