

A HISTORY OF THE
ALABAMA JUDICIAL SYSTEM*

SUPREME COURT

The first Constitution of Alabama (1819), under which the state was admitted to the Union, provided that "until the General Assembly shall otherwise prescribe, the powers of the Supreme Court shall be vested in, and its duties shall be performed by, the Judges of the several circuit courts within this state." At that time, the state was divided into five judicial circuits, and on the second Monday in May 1820, the first term of the Supreme Court was held at Cahaba, then the state capital. Present were the Honorables C. C. Clay, Reuben Saffold, Henry Y. Webb, and Richard Ellis. Hon. A. S. Lipscomb, the remaining circuit judge, was absent from this session. The circuit judges nominated and appointed as Chief Justice Hon. C. C. Clay. Twenty-three opinions were written during this first term, nine by Chief Justice Clay, twelve per curiam, and one each by Judges Saffold and Lipscomb.

The Judges of the Supreme Court were elected by joint vote of both houses of the General Assembly until 1868. The "reconstruction" Constitution adopted that year provided that the judges be elected by the people.

In 1821 a sixth circuit was created, of which Hon. Anderson Crenshaw was elected judge. Passing in hurried review the membership of the court from its foundation as thus indicated, the records show a large number of names familiar to the judicial history of the state. Some of these have left the impress of their thought and character upon the wider field of American law. Judge Webb died in 1823 and was succeeded by Hon. Henry Minor, who had been the Supreme Court's first reporter of decisions, and who was in his turn succeeded, as soon as the General Assembly convened, by Hon. John Gayle. Chief Justice Clay resigned in 1823 and was succeeded in that office by Judge Lipscomb.

At the election held in 1825, the first regular election by the General Assembly under the Constitution since the creation of the Supreme Court, the following circuit judges were elected: Hon. A. S. Lipscomb, Reuben Saffold, John Gayle, John White, John M. Taylor, and Anderson Crenshaw. In 1828 a seventh circuit was established, of which Hon. Sion L. Perry was elected judge. In

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the same year Judge Gayle resigned and Hon. Henry W. Collier was elected to succeed him.

In 1832 the court was entirely reorganized and made a separate court, to consist of three judges with terms of office for six years. Judges Lipscomb, Saffold, and Taylor were elected, Judge Lipscomb again receiving the appointment as Chief Justice. In 1834 Judge Taylor resigned and was succeeded by Hon. Harry I. Thornton. In the latter part of the same year Judge Lipscomb resigned and was succeeded by Hon. Henry Hitchcock, Judge Saffold being promoted to the post of Chief Justice. In 1836 Hon. A. F. Hopkins succeeded Judge Thornton, and in the same year Judge Saffold resigned, being succeeded by Hon. Henry W. Collier, Judge Hitchcock becoming Chief Justice. In 1837 Judge Hitchcock resigned and was succeeded by Hon. Henry Goldthwaite, Judge Hopkins being advanced to the Chief Justiceship. In June of the same year, Chief Justice Hopkins resigned, being succeeded by Hon. J. J. Ormond, Judge Collier becoming Chief Justice.

In 1843 Judge Goldthwaite resigned and was succeeded by Hon. C. C. Clay. Judge Goldthwaite had resigned to become his party's candidate for Congress in the Mobile district. After a contest of memorable vigor and dash, he suffered a defeat and then became a candidate for his old seat on the bench. He defeated Judge Clay before the General Assembly. He died of yellow fever in 1847, and was succeeded by Hon. Edward S. Dargan. Judge Ormond declined a reelection and was succeeded by Hon. William P. Chilton. In 1849 Judge Dargan succeeded Judge Collier as Chief Justice, Hon. Silas Parsons taking the place of associate vacated by Dargan. Parsons was succeeded in 1851 by Hon. Daniel Coleman, who was in his turn succeeded by Hon. George Goldthwaite. In the same year, 1851, the number of judges was increased to five, Hon. David P. Ligon and John D. Phelan being the additional members. In 1852 Chief Justice Dargan resigned and was succeeded in that office by Judge Chilton, Hon. Lyman Gibbons being appointed associate justice. In 1853 the membership of the court was reduced by law to three, and Judge Phelan and Judge Gibbons resigned. Judge Ligon resigned effective January 1855, and Hon. Samuel F. Rice became the third member. In January 1856, Judge Goldthwaite succeeded Judge Chilton as Chief Justice, and Hon. A. J. Walker became an associate justice. Judge Goldthwaite resigned almost immediately and was succeeded by Hon. George Stone. Judge Rice became Chief Justice. Judge Rice, resigning in January 1859, was succeeded as Chief Justice by A. J. Walker, Hon. R. W. Walker receiving the appointment thus vacated. The war wrought no change to speak of in the judicial fabric during the existence of actual hostilities. In 1863, Judge R. W. Walker resigned and was succeeded by Hon. John D. Pelham. The Legislature that convened at the close of the war elected, as members of the Supreme Court, Hon. A. J. Walker, William M. Byrd, and Thomas J. Judge.

By the "reconstruction" Constitution of 1868, the election of

judges was committed to the people, and, on an election held, Hon. **E. W. Peck, Thomas M. Peters,** and B. F. Saffold were elected as **judges of the Supreme Court.** In 1873 Judge Peck resigned, Judge Peters became Chief Justice, and Hon. R. C. Brickell was appointed to fill the vacancy. At the general election of 1874, Judge Brickell was elected Chief Justice, and Hon. Thomas J. Judge and Amos R. Manning associate justices. In March 1876, Judge Judge died and was succeeded by Hon. George W. Stone. In 1880 Judge Manning died and was succeeded by Hon. Henderson M. Somerville. On October 25, 1884, Judge Brickell resigned, Judge Stone becoming Chief Justice and Hon. David Clopton being appointed associate. In 1889 the number of judges was increased to four, and Hon. Thomas N. McClellan, then serving as attorney general, was appointed to the new place. In July 1890, Judge Somerville resigned to accept a post under the general government and Hon. Thomas W. Coleman was appointed to succeed him. In February 1891, the number of judges was once more raised to five, and Richard W. Walker was appointed to the new judgeship. Judge Clopton died in 1892, and Judge W. S. Thorington was appointed to succeed him. At the August election, 1892, the following judges were elected: Chief Justice, George W. Stone: Associate Justices, Thomas W. Coleman, Thomas N. McClellan, J. B. Head, and Jonathan Haralson. Chief Justice Stone died in 1894, and Governor Thomas G. Jones appointed Hon. Robert C. Brickell Chief Justice.

In 1898 Thomas N. McClellan was elected Chief Justice and Jonathan Haralson, John R. Tyson, H. A. Sharpe, and James R. Dowdell were elected associates. The Legislature of 1903 increased the number of justices from five to seven, the increase to go into effect after the general election of 1904. In the election of 1904, Thomas N. McClellan was elected Chief Justice and Jonathan Haralson, John R. Tyson, James R. Dowdell, R. T. Simpson, John C. Anderson, and N. D. Denson were elected associates. In order to comply with the Constitution as to the arrangement of the terms and upon casting lots, Anderson and Denson got six-year terms, Haralson and Simpson four-year terms, and Tyson and Dowdell two-year terms. Thomas N. McClellan died in 1906, and S. D. Weakley was appointed to succeed him until the next general election, at which John R. Tyson was elected Chief Justice and James R. Dowdell and Thomas C. McClellan were elected associates. In 1908 R. T. Simpson and J. J. Mayfield were elected. In 1909 John R. Tyson resigned, and James R. Dowdell was appointed to succeed him, A. D. Sayre, of Montgomery, being appointed to succeed Dowdell as associate. In September 1909, N. D. Denson resigned, and A. A. Evans, of Barbour, was appointed to succeed him. Ormond Somerville succeeded A. A. Evans in 1910. R. T. Simpson died in 1912, and was succeeded by Edward de Graffenried, Judge William H. Thomas succeeding Judge de Graffenried in 1914. Chief Justice Dowdell resigned in January 1914, and John C. Anderson became Chief Justice, L. D. Gardner succeeding Anderson as associate justice. Judge Mayfield resigned in 1919 to become code commissioner and was succeeded by Joel B. Brown.

In 1920, Hon. B. M. Miller (later Governor of the State) succeeded Justice Joel B. Brown, and in 1923, Justice T. C. McClellan resigned, to be succeeded by Hon. Virgil Bouldln. Justice Joel B. Brown returned to the bench in 1926, succeeding Justice B. M. Miller. Justice Ormond Somerville died in 1928, and was succeeded by Hon. A. B. Foster on September 10, 1928. Justice A. D. Sayre died in 1931, and was succeeded by Hon. Thomas E. Knight on November 30, 1931.

In 1940, Chief Justice John C. Anderson announced his intention to retire at the close of his term, and Justice Lucien D. Gardner was elected without opposition to succeed John C. Anderson as Chief Justice. Chief Justice Anderson died April 27, 1940, prior to the expiration of his term, and Justice Lucien D. Gardner was appointed Chief Justice April 30, 1940.

Justice J. Ed Livingston, having been nominated in the Democratic primary to fill the vacancy occasioned by Justice Gardner's election to Chief Justice, was appointed as Associate Justice on May 13, 1940. On October 1, 1942, Justice Thomas E. Knight resigned, and Hon. Thomas S. Lawson, the attorney general, was appointed to succeed Justice Knight. Early in 1943, Justice Thomas S. Lawson was granted leave of absence to enter military service and Hon. Davis F. Stakely was appointed temporary Acting Associate Justice. Justice Virgil Bouldln retired from the bench on May 1, 1944, and on June 12, 1944, Judge Robert Tennent Simpson resigned as Judge of the Court of Appeals and was appointed Associate Justice.

On November 1, 1945, Justice Thomas S. Lawson returned from the military service and Justice Stakely left the bench. Justice Stakely's absence from the bench was short, because on December 22, 1945, Justice William H. Thomas died, and Justice Stakely was, on January 8, 1946, appointed Associate Justice to succeed Judge Thomas. Chief Justice Lucien D. Gardner resigned and was commissioned Supernumerary Justice on February 28, 1951, and Justice J. Ed Livingston was appointed Chief Justice as of the same date. Hon. John L. Goodwyn was appointed Associate Justice on September 27, 1951, to fill the vacancy occasioned by Justice Livingston's appointment to Chief Justice.

In the election of 1952, Justice Foster did not seek reelection as Associate Justice, and on January 20, 1953, he was appointed Supernumerary Justice. Hon. Pelham J. Merrill was elected to succeed Justice Foster. Justice Joel B. Brown died on April 12, 1953, and on October 6, 1953, Hon. Preston C. Clayton was appointed Associate Justice to succeed Justice Joel B. Brown. On November 12, 1954, Hon. James J. Mayfield took office as Associate Justice pursuant to his election to succeed Justice Preston C. Clayton.

Justice Mayfield died on April 4, 1956, and Hon. N. T. Spann

was appointed to succeed him on April 16, 1956. Justice Spann resigned effective January 15, 1957. On January 15, 1957, Hon. James S. Coleman took office as Associate Justice pursuant to his election to succeed Justice Spann. Supernumerary Justice Arthur B. Foster died on July 17, 1958.

In 1962, Justice Stakely resigned and was appointed Supernumerary Justice. On May 16, 1962, Hon. Robert B. Harwood was appointed to succeed him as Associate Justice. Justice Stakely died on January 13, 1964.

Justice John L. Goodwyn, who had qualified for election without opposition, died on April 22, 1968, and the Governor appointed Hon. John P. Kohn to succeed him until the next general election. Justice Kohn took office on May 13, 1968, and served less than a year, leaving the court upon the termination of his interim appointment. Hon. James N. Bloodworth was elected to succeed Justice Kohn; he took office on November 15, 1968.

Act No. 602, 1969 Ala. Acts, Regular Session 1969, increased the number of Associate Justices of the Supreme Court to eight, so that the Supreme Court now consists of a Chief Justice and eight Associate Justices. In October 1969, Governor Albert Brewer appointed Hon. Alva Hugh Maddox and Hon. Daniel T. McCall to fill the two newly created Associate Justice positions.

At the general election of 1970, Hon. Howell T. Heflin of Tuscumbia was elected Chief Justice. When Chief Justice Heflin assumed office on January 19, 1971, Chief Justice Livingston retired and was appointed Supernumerary Justice.

Justice Thomas S. Lawson retired on May 3, 1972, and was succeeded by Hon. Ormond Somerville, who took office on August 3, 1972. Justice Somerville resigned effective December 1, 1972. During that same year, Justice Simpson retired and was appointed Supernumerary Justice. In the general election of 1972, Hon. James H. Faulkner and Hon. Richard L. Jones were elected to fill the Associate Justice positions vacated by Justice Simpson and Justice Somerville. Justice Faulkner and Justice Jones took office on January 15, 1973.

On December 27, 1973, Amendment No. 328 to the Alabama Constitution of 1901 was proclaimed ratified. That amendment, proposed by Act No. 1051, 1973 Ala. Acts, repealed Article VI of the Constitution of Alabama of 1901, as amended, and amendments 317 and 323 thereto, and placed in their stead a new judicial article.

In 1975, Justices Coleman, Harwood, and McCall retired at the expiration of their respective terms. Those vacant Associate Justice positions were filled by Hon. Reneau P. Almon, Hon. Janie L. Shores, and Hon. T. Eric Embry, who were all elected to their positions and who took office effective January 21, 1975. Justice

Shores became the first woman to serve as a Justice on the Alabama Supreme Court.

Justice Pelham J. Merrill retired effective May 31, 1976, and Hon. Samuel A. Beatty was appointed to succeed him as Associate Justice. Justice Beatty assumed office June 1, 1976. He was elected to a full term later that year.

Chief Justice Heflin chose not to seek reelection as Chief Justice in 1976. He retired effective January 17, 1977, and returned to a Tusculumbia law practice. He was elected in 1978 to the United States Senate, succeeding Senator John Sparkman in January 1979. Chief Justice Heflin was succeeded by Hon. C. C. Torbert, Jr., of Opelika, who had been elected to that position.

Justice Bloodworth retired September 16, 1980, and was succeeded as Associate Justice by Hon. Oscar W. Adams, Jr., upon appointment by Governor Fob James. Justice Adams became the first black Alabama Supreme Court Justice in the State's history and two years later, upon his election to a full term, became the first black to be elected to statewide office in Alabama. Justice Embry retired effective September 16, 1985, and Hon. J. Gorman Houston, Jr., was appointed by Governor George Wallace to succeed him as Associate Justice. Justice Houston was elected to a full term the next year. Effective April 1, 1986, Justice Faulkner retired, and Governor Wallace appointed Hon. Henry B. Steagall II to succeed him, effective May 1, 1986; Justice Steagall was elected to a full term in 1988.

Chief Justice Torbert decided not to seek reelection in 1988, and his term expired January 16, 1989. In the 1988 general election, Hon. Sonny Hornsby, of Tallassee, was elected Chief Justice to succeed Chief Justice Torbert. Chief Justice Hornsby took office on January 17, 1989. Justice Beatty also did not seek reelection in 1988; he was succeeded by Hon. Mark Kennedy, who was elected to the position of Associate Justice and who took office on January 17, 1989.

In 1991, Justice Jones retired, and he was succeeded by Hon. Kenneth F. Ingram, formerly Presiding Judge of the Court of Civil Appeals, who was elected to the Associate Justice position in the 1990 election.

Taking up some of the curious, if not important, facts touching the composition of the Supreme Court, note may be made of the nativity of the Chief Justices. Clay, Hopkins, Collier, and Stone were born in Virginia; Lipscomb and Rice in South Carolina; Saffold and Heflin in Georgia; Hitchcock in Vermont; Dargan in North Carolina; Chilton in Kentucky; Goldthwaite in New Hampshire; Walker and Peters in Tennessee; Peck in New York; Brickel, McClellan, Weakley, Tyson, Dowdell, Anderson, Gardner, Livingston, Torbert, and Hornsby in Alabama.

The following Justices of the Supreme Court were at one time or another judges of the circuit court: Henry W. Collier, Daniel Coleman, E. S. Dargan, John D. Phelan, George W. Stone, George Goldthwaite, Lyman Gibbons, B. F. Saffold, James B. Head, John R. Tyson, James R. Dowdell, John C. Anderson, N. D. Denson, A. A. Evans, B. M. Miller, Thomas E. Knight, A. B. Foster, James N. Bloodworth, Daniel T. McCall, Reneau P. Almon, Mark Kennedy, and Kenneth F. Ingram, while Justices Haralson, Sharpe, Mayfield, Sayre, Thomas, Bloodworth, Faulkner, and Hornsby each served as county or city court judge. Justice Kennedy served as a judge of the district court.

The following Justices of the Supreme Court also served as chancellors: Peck, Ligon, Byrd, Crenshaw, A. J. Walker, Thomas W. Coleman, James R. Dowdell, and L. D. Gardner. James R. Dowdell is the only member who had previously served both as circuit judge and as chancellor.

Justices de Graffenried, Joel B. Brown, Robert Tennent Simpson, Robert B. Harwood, and Reneau P. Almon each served the Court of Appeals before becoming a member of the Supreme Court. Justice Almon also served on the Court of Criminal Appeals, and Justice Ingram served on the Court of Civil Appeals before becoming a member of the Supreme Court.

MEMBERS OF THE SUPREME COURT

CHIEF JUSTICES, 1820-1991

Clement C. Clay	- - - - -	-1820-1823
Abner S. Lipscomb	- - - - -	-1823-1834
Reuben Saffold	- - - - -	-1834-1836
Henry Hitchcock	- - - - -	-1836-1837
Arthur F. Hopkins	- - - - -	-1837
Henry W. Collier	- - - - -	-1837-1849
Edward S. Dargan	- - - - -	-1849-1852
William P. Chilton	- - - - -	-1852-1856
George Goldthwaite(1)	- - - - -	-1856
Samuel F. Rice	- - - - -	-1856-1859
A. J. Walker	- - - - -	-1859-1868
E. Wolsey Peck	- - - - -	-1868-1873
Thomas M. Peters	- - - - -	-1873-1874
Robert C. Brickell	- - - - -	-1874-1884
George W. Stone	- - - - -	-1884-1894
Robert C. Brickell	- - - - -	-1894-1898

'Served portion of year.

CHIEF JUSTICES, 1820-1991 (Continued)

Thomas N. McClellan - - - - -1898-1906
 Samuel D. Weakley - - - - -1906-1907
 John R. Tyson - - - - -1907-1909
 James R. Dowdell - - - - -1909-1914
 John C. Anderson- - - - -1914-1940
 Lucien D. Gardner - - - - -1940-1951
 J. Ed Livingston - - - - -1951-1971
 Howell T. Heflin- - - - -1971-1977
 C. C. Torbert, Jr.- - - - -1977-1989
 Sonny Hornsby - - - - -1989-

ASSOCIATE JUSTICES, 1820-1991

Henry Y. Webb - - - - -1820-1823
 Abner S. Lipscomb - - - - -1820-1823
 Richard Ellis - - - - -1820-1831
 Reuben Saffold- - - - -1820-1834
 Anderson Crenshaw - - - - -1821-1831
 John Gayle- - - - -1823-1828
 Henry Minor - - - - -1823-1831
 John White- - - - -1825-1831
 John M. Taylor- - - - -1825-1834
 Sion L. Perry - - - - -1828-1831
 Henry W. Collier- - - - -1828-1831
 Harry I. Thornton - - - - -1834-1836
 Henry Hitchcock - - - - -1834-1836
 Henry W. Collier- - - - -1836-1837
 Arthur F. Hopkins - - - - -1836-1837
 Henry Goldthwaite - - - - -1837-1847
 John J. Ormond- - - - -1837-1847
 Clement C. Clay(1)- - - - -1843
 Edward S. Dargan- - - - -1847-1849
 William P. Chilton- - - - -1847-1852
 Silas Parsons - - - - -1849-1851
 John D. Phelan- - - - -1851-1854
 David P. Ligon- - - - -1851-1854
 George Goldthwaite- - - - -1851-1856
 Daniel Coleman- - - - -1851-1898
 Lyman Gibbons - - - - -1852-1854
 Samuel F. Rice - - - - -1853-1856
 A. J. Walker - - - - -1856-1859
 George W. Stone - - - - -1856-1864
 Richard W. Walker - - - - -1856-1866
 William M. Byrd - - - - -1863-1867
 Thomas J. Judge - - - - -1863-1867

'Served portion of year.

ASSOCIATE JUSTICES, 1820-1991 (Continued)

A. J. Walker- - - - - - - - - - -1863-1868
 Thomas M. Peters- - - - - - - - -1868-1873
 Benjamin F. Saffold - - - - -1868-1874
 Robert C. Brickell - - - - -1873-1874
 Thomas J. Judge - - - - -1874-1876
 Amos R. Manning - - - - -1874-1880
 George W. Stone - - - - -1876-1884
 Henderson M. Somerville - - -1880-1890
 David Clopton - - - - -1884-1892
 Thomas N. McClellan - - - - -1889-1898
 Thomas W. Coleman- - - - -1890-1898
 Richard W. Walker - - - - -1891-1892
 W. S. Thorington(1) - - - - -1892
 J. B. Head- - - - - - - - -1892-1898
 Jonathan Haralson - - - - - -1982-1906
 John R. Tyson - - - - - - -1898-1906
 Henry A. Sharpe - - - - - - -1898-1906
 James R. Dowdell - - - - - -1898-1909
 N. D. Denson - - - - - - -1904-1909
 R. T. Simpson - - - - - - -1904-1912
 John C. Anderson- - - - - -1904-1914
 S. D. Weakley - - - - - - -1906-1907
 Thomas C. McClellan - - - - -1906-1923
 J. J. Mayfield- - - - - - -1908-1920
 A. A. Evans - - - - - - - -1909-1910
 Anthony D. Sayre- - - - - - -1909-1931
 Ormond Somerville - - - - -1910-1928
 Edward de Graffenried - - - -1912-1914
 Lucien D. Gardner - - - - -1914-1940
 William H. Thomas - - - - -1914-1945
 Joel B. Brown - - - - - - -1920-1921
 B. M. Miller - - - - - - -1920-1927
 Virgil Bouldin- - - - - - -1923-1944
 Joel B. Brown - - - - - - -1927-1953
 Arthur B. Foster- - - - - - -1928-1953
 Thomas E. Knight- - - - - - -1931-1942
 J. Ed Livingston- - - - - - -1940-1951
 Thomas S. Lawson- - - - - - -1942-1972
 Davis F. Stakely- - - - - - -1943-1945
 Robert Tennent Simpson, Jr. -1944-1972
 Davis F. Stakely- - - - - - -1945-1962
 John L. Goodwyn - - - - - - -1951-1968
 Pelham J. Merrill - - - - - - -1953-1976
 Preston C. Clayton- - - - - -1953-1954
 James J. Mayfield - - - - - -1954-1956
 Norman T. Spann - - - - - - -1956-1957

'Served portion of year.

ASSOCIATE JUSTICES, 1820-1991 (Continued)

James S. Coleman- - - - -1957-197s
 Robert B. Harwood - - -- -1962-1975
 John B. Kohn(1) - - - - -1968
 James N. Bloodworth - - - - -1968-1980
 Alva Hugh Maddox- - - -- -1969-
 Daniel T. McCall, Jr. -- - -1969-1975
 Ormond Somerville'- - -- -1972
 James H. Faulkner - - -- -1973-1986
 Richard L. Jones - - -- -1973-1991
 Reneau P. Almon - - - - -1975-
 Janie L. Shores - - - -- -1975-
 T. Eric Embry - - - - -- -1975-1985
 Samuel A. Beatty- - - -- -1976-1989
 Oscar W. Adams, Jr. - - - - -1980-
 J. Gorman Houston, Jr. - - - -1985-
 Henry B. Steagall II -- - -1986-
 Mark Kennedy- - - - -1989-
 Kenneth F. Ingram - - -- -1991-

COURT OF APPEALS, COURT OF CRIMINAL APPEALS,
 AND COURT OF CIVIL APPEALS

The Legislature of 1911, acting largely upon the suggestion of the Bar Association, established, pursuant to the provisions of § 140, Alabama Constitution 1901, a Court of Appeals composed of three judges, which was intended to relieve the Supreme Court.

R. W. Walker, Edward de Graffenried, and John Pelham were appointed judges upon the creation of that court. Judge de Graffenried was appointed to the Supreme Court upon the death of Judge Simpson, and E. P. Thomas succeeded Judge de Graffenried. Judge Joel B. Brown became a member of the court by election, and B. P. Crum served as a member for a short period. Judges Pelham, Brown, and Charles R. Bricken were elected in the general election of 1916. Judge Thomas resigned in 1916 and was succeeded by Judge R. V. Evans. Judge Pelham died in 1917 and was succeeded by W. H. Samford. Judge Brown was appointed to the Supreme Court in 1919 to succeed Judge Mayfield and was himself succeeded by H. P. Merritt. Judge Henry B. Foster succeeded Judge Merritt. Judge Foster

(1)Served portion of year.

resigned in 1925, and Judge James Rice was appointed to succeed him.

Judge William H. Samford died February 2, 1940, and on February 12, 1940, Hon. Robert Tennent Simpson, Jr., was appointed Associate Judge to succeed Judge Samford. On June 12, 1944, Judge Simpson resigned, and on the same date Hon. Robert B. Carr was appointed Associate Judge to fill the vacancy occasioned by Judge Simpson's elevation to the Supreme Court.

Judge James Rice died September 28, 1945, and Hon. Robert B. Harwood (attorney general on military leave) returned from military service, and on October 10, 1945, resigned his office as attorney general and was appointed Associate Judge to succeed Judge Rice. On January 11, 1951, Presiding Judge Bricken died, and Associate Judge Carr became Presiding Judge. On January 12, 1951, Hon. Annie Lola Price was appointed Associate Judge to fill the vacancy occasioned by Judge Carr's elevation to Presiding Judge. Judge Price thus became the first woman in the history of Alabama to serve in a judicial office.

Presiding Judge Robert B. Carr died May 2, 1955, and Associate Judge Harwood became Presiding Judge. On June 15, 1955, Hon. Rowan S. Bone was appointed to fill the vacancy occasioned by the elevation of Judge Harwood to Presiding Judge. Judge Bone left the court in November 1956 and was succeeded by Hon. Aubrey M. Cates, Jr., who had been elected and who took office on November 15, 1956.

Judge Harwood was appointed to the Alabama Supreme Court on May 16, 1962, and Associate Judge Price became Presiding Judge. Hon. George C. Johnson was appointed to fill the vacancy and took office on May 16, 1962. Judge Johnson resigned on February 3, 1969, and Hon. Reneau P. Almon was appointed to fill that vacancy, taking office on March 4, 1969.

In its 1969 regular session, the Legislature, by Act No. 987, 1969 Ala. Acts, abolished the Court of Appeals and created two appellate courts: the Court of Criminal Appeals and the Court of Civil Appeals.

COURT OF CRIMINAL APPEALS

The three judges formerly of the Court of Appeals became the first judges on the newly created Court of Criminal Appeals: Judge Annie Lola Price, Presiding Judge; Judge Aubrey M. Cates, Jr.; and Judge Reneau P. Almon.

The Alabama Legislature in 1971 increased the number of judges on the Court of Criminal Appeals from three judges to five judges. In January 1972, Governor George Wallace appointed Hon. John C. Tyson III and Hon. John O. Harris to those newly created positions.

Judge Price died on June 18, 1972. Governor Wallace appointed Hon. John Paul DeCarlo to fill the position left vacant by Judge Price's death, and he took office on July 7, 1972. Judge Cates succeeded Judge Price as Presiding Judge on June 19, 1972.

In 1974, Judge Reneau P. Almon was elected to the Alabama Supreme Court, and resigned from the Court of Criminal Appeals on January 20, 1975. Hon. John G. Bookout was appointed to succeed Judge Almon. On December 1, 1976, Judge Tyson succeeded Judge Cates as Presiding Judge. Judge Cates served as an Associate Judge until he retired on January 17, 1977. William M. Bowen, Jr., who had been elected as Associate Judge, replaced Judge Cates on January 18, 1977. At the time he was sworn in, Judge Bowen was 29 years old and was the youngest appellate judge in the country. On December 1, 1977, Judge Harris succeeded Judge Tyson as Presiding Judge.

Judge Bookout resigned from the court on February 1, 1982, and Hon. Bishop Barron was appointed to succeed him as an Associate Judge, effective March 12, 1982. On March 9, 1983, Judge Barron died. Hon. Sam W. Taylor, who had been a Montgomery County circuit judge, was appointed on March 18, 1983, to succeed Judge Barron as Associate Judge. On February 1, 1983, Judge DeCarlo became Presiding Judge and remained Presiding Judge until he resigned from the court on March 29, 1983. Hon. Hubert Taylor was appointed on March 31, 1983, to succeed him as Associate Judge, and Judge Bowen became Presiding Judge, effective April 18, 1983. Judge Hubert Taylor resigned on April 2, 1984, and Hon. John Patterson, former Governor of Alabama, was appointed on April 3, 1984, to succeed him. On January 14, 1985, Judge Harris retired. Hon. H. Ward McMillan, Jr., who had been elected in 1984, succeeded Judge Harris as Associate Judge, taking office on January 15, 1985. On November 15, 1988, Judge Sam Taylor became Presiding Judge. On November 16, 1990, Judge Patterson became Presiding Judge.

COURT OF CIVIL APPEALS

In 1969, Governor Albert Brewer appointed three judges to serve on the newly created Court of Civil Appeals: Hon. T. Werth Thagard, who served as the first Presiding Judge of that court; Hon. L. Charles Wright; and Hon. Robert P. Bradley. On May 3, 1972, Judge Thagard retired and Judge Wright became Presiding Judge. Hon. Richard L. Holmes was appointed to fill the Associate Judge position created by Judge Thagard's retirement. Judge Holmes took office on May 18, 1972. Judge Wright retired effective January 20, 1987, and Judge Bradley became Presiding Judge effective on that date. Hon. Kenneth F. Ingram, formerly a circuit judge, was elected to the Associate Judge position left vacant by Judge Wright's retirement, and his term began on January 20, 1987.

Judge Bradley retired on January 17, 1989, and was succeeded

as Presiding Judge by Judge Holmes. Hon. William E. Robertson, formerly a Talladega County district judge, was elected to the position of Associate Judge left vacant by Judge Bradley's retirement, and he assumed office on January 17, 1989. Judge Holmes retired on April 16, 1989, and Judge Kenneth F. Ingram became Presiding Judge on that date. Hon. Robert J. Russell was appointed as Associate Judge effective April 16, 1989, to fill the vacancy created by Judge Holmes's retirement. In the general election of 1990, Judge Ingram was elected to the seat on the Supreme Court being vacated by Justice Jones: he resigned from the Court of Civil Appeals in January 1991 and became a Justice of the Supreme Court on January 15, 1991. Hon. Charles A. Thigpen, formerly a circuit judge, was elected in 1990 and took office as Associate Judge on January 15, 1991, succeeding Judge Russell, who had served on an interim appointment. Judge Robertson became Presiding Judge on that date. Judge Russell was reappointed in January 1991 by Governor Hunt, this time to the vacancy created by Judge Ingram's resignation.

MEMBERS OF COURT OF APPEALS

PRESIDING JUDGES, 1911-1969

Richard W. Walker - - - - - -1911-1914
 John Pelham - - - - - -1914-1917
 Joel B. Brown - - - - - -1917-1919
 Charles R. Bricken - - - - - -1919-1951
 Robert B. Carr- - - - - -1951-1955
 Robert B. Harwood - - - - - -1955-1962
 Annie Lola Price- - - - - -1962-1969

ASSOCIATE JUDGES, 1911-1969

Edward de Graffenried - - - - -1911-1912
 John Pelham - - - - - -1911-1914
 E. Perry Thomas - - - - -1912-1916
 B. P. Crum(1) - - - - - ----1914
 Joel B. Brown - - - - - -1914-1917
 Richard V. Evans(1) - - - - -1916
 Charles R. Bricken - - - - -1916-1919
 William H. Samford - - - - -1917-1940
 Henry P. Merrit - - - - -1919-1922
 Henry B. Foster - - - - -1919-1925
 James Rice- - - - - ---- --1925-1945

Served portion of year.

Reneau P. Almon

MEMBERS OF COURT OF CIVIL APPEALS

PRESIDING JUDGES, 1969-1991

T. Werth Thaggard- - - - -1969-1972
L. Charles Wright- - - - -1972-1987
Robert P. Bradley- - - - -1987-1989
Richard L. Holmes' - - - - -1989
Kenneth F. Ingram- - - - -1989-1991
William E. Robertson - - - - -1991-

ASSOCIATE JUDGES, 1969-1991

L. Charles Wright- - - - -1969-1972
Robert P. Bradley- - - - -1969-1987
Richard L. Holmes- - - - -1972-1989
Kenneth F. Ingram- - - - -1987-1989
William E. Robertson - - - - -1989-1991
Robert J. Russell- - - - -1989-
Charles A. Thigpen - - - - -1991-

'Served portion of year.