

Embry: Life devoted to

By MARK BOLTON

PELL CITY — After graduating from Cumberland Law School in Lebanon, Tennessee in 1914, Supernumerary Judge Frank B. Embry compiled a lengthy list of achievements during his career.

Among these accomplishments are:
— Rendered a decision forcing Alabama Power Company to return 17 million to its customers.

— Was part of the only father and son combination to sit on the Alabama Supreme Court simultaneously.

— Obtained convictions in cases that sent four men to the gas chamber.

— Originated and sponsored the original paving of the streets of Pell City.

— Set up the first municipal gas system in Alabama and the second municipal waterworks.

"...he was acquitted, I plead the unwritten law."

"I've always tried to be of help to my town and my community," Embry said. "I've been pretty successful at it, but it wasn't easy. It all gets back to what President Kennedy said, 'Ask not what your country can do for you, but what you can do for your country.'" Born in Ashville as the son of, "a poor, struggling country lawyer with seven children," Embry moved to Pell City after graduating from law school and has lived there every since.

Embry now lives with his daughter, and despite the fact he is 86 years old, still serves actively as a judge and puts in a good day's work.

"I'm 86 years old and I still enjoy very good health. I come to the office each day around eight and see if there is any mail to be answered and things of that sort," Embry said. "I'll sit here and reminisce for a while, meditate and pray some. I'll go to the bank and walk up and down the street to get me exercise."

"Then I'll walk up to the courthouse and see my favorite sheriff, Clemmons here." Embry describes the St. Clair

County Sheriff as being "one of the best in the state."

Embry's office is located in a law firm's building on Cogswell Avenue. In the office Embry is surrounded by pictures of well-known personalities and plaques of thanks and recognition. Embry says he loves to think back, but still lives very much in the present. He sprinkles his conversation with mild expletives and doesn't mind speaking his opinions on any subject.

As a supernumerary judge, Embry is under the direction of the Chief Justice of the Alabama Supreme Court. The chief justice asks Embry to sit in on cases where the presiding judge has stepped down.

In that capacity Embry has presided over some interesting cases in his career.

"I've had some interesting experiences in the courts in Talladega," Embry said. "There was one case called 'The Battle of Battle Street' in which the chief deputy was killed and two other men wounded."

The shooting grew out of a strike by employees of Wehadakee Mills in Talladega.

"I was called in to work the case with J.B. Sanford, who was district attorney at the time," Embry said. "The trial ended up lasting six weeks, but we got convictions," Embry said. "His accomplice had been scheduled to stand trial on the same charges, but he hung himself in the jail before the trial."

Another trial that stands out in Embry's mind involved a woman he successfully defended against a murder charge, only to have her confess to the murder later.

"I defended the woman and got an acquittal on the case. She came to me later and said, 'I've been upset every since you talked the jury into believing I was innocent.' It turned out she had poisoned her husband," Embry said.

Embry said he was filled with regret for defending the woman.

"The woman reached down into her bosom and came out with three sheets

of paper. She had written down how she killed him, where she got the

poison, and every detail about it."

And what happened to the woman?

"...could make a wife pay alimony."

"The case was over," Embry said. "The jury had already acquitted her."

Embry once worked a murder case involving a distraught husband and a case of mistaken identity.

"This poor boy over in Ragland got himself a one-barrel shotgun and walked 13 miles into Ashville to kill a man. And he didn't have but one shell," Embry said.

The man's wife had left him and was living with two men.

"The woman wasn't kidnapped, she was just living with them. So the boy walks over there and kills one of them. But he killed the wrong one. The one who had induced her to live with them wasn't the one he shot," Embry said.

"I defended him and he was acquitted, I pleaded the unwritten law."

During the years while a circuit solicitor, now known as the district attorney, for the 16th Circuit, Embry prosecuted five men in Gadsden whose sentences were set at death. One of those sentences was commuted by the governor, but the other four were executed.

Embry said he personally favors the death penalty, but has never asked a jury to hand one down.

"All of those cases were hard-fought, my Lord, they were hard-fought. I told the jury that decision was entirely up to them," Embry said. "My closing remarks were always, 'May he who marks the sparrow's fall guide you to a righteous verdict.'"

Embry lists obtaining the water works in Pell City as his major accomplishment against opposition.

"I got authority from the city council to issue bonds in the full amount based on assessed property values. The rich men that owned most of the town gave me hell, but I whipped them," Embry

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said.

One of Embry's grandfathers was a circuit judge who suffered a heart attack, which later proved to be fatal, while on the bench in Cleburne County.

"He lived for about a week in a boarding house before he died. A while after that I was riding in a car to court with a young man and I asked him if he had a case coming up," Embry said. "He told me he had an appeal case that was coming up. I asked him if he knew anyone there and he said, 'No, but I once knew a judge there, in fact I was in a boardinghouse with him and gave him the last drink of water he had before he died.'"

The judge the boy knew turned out to be Embry's grandfather, and the judge for the boy's case turned out to be Embry.

"I called my mother to find out if what the boy said was true, and she said it was. When the boy's case came up I promptly not crossed it. (Dismissed the case.) The judge called me over and said, 'The jury is sitting there wondering what is happening, what is going on?' When I told him about it, he slapped me on the back and said, 'Good job.'"

"...tried to be of help to my town..."

During his career Embry has served two terms as mayor, as a representative in the Alabama Legislature, district attorney, and 11 years as city attorney and city councilman. He taught the Pell City First Methodist Church Brotherhood class for 20 years. Enrolled in the church in 1914, Embry is the oldest living member.

Embry Crossroads is named after his grandfather, James, who came from South Carolina to farm there.

Embry says he is proud of his son Eric, not because he is a justice of the supreme court, but because he "is doing what he wants to do."

"Chief Justice Heflin made the



SUPERNUMERARY JUDGE Frank B. Embry enjoys a corn cob pipe in his office on Cogswell Avenue in

Pell City. Embry has practiced law and served as a judge throughout St. Clair County and Alabama for 65 years.

observation that it was the first time in the history of Alabama that a father and son had sat on the Supreme Court at the same time," Embry said.

"I guess the most outstanding decree I rendered while I was a judge was in Birmingham in Abel versus Abel where I invoked equal protection under the 14th Amendment," Embry said.

"Up until that time a women didn't have to pay alimony. I ruled that a judge, after hearing the testimony,

could make a wife pay alimony. When I rendered that decision it was carried in papers all over the United States."

Has Embry ever given any thought to retiring?

"Hell no!" he roared. "Not until they put me in the cemetery up here. I'd be lost if I didn't work. I have to have something to occupy my time and my mind. I have no fears," Embry said. "I go back to the old scripture — 'I sought the Lord and he heard me and delivered me from my fears.'"

October 12, 1891 at Ashville, Alabama, he is the son of James Alden and Lula Eugenia (Box) Embry, native of Ashville. After completing his education in the local public and private schools, graduating from high school in 1910, he worked in his father's law office for one year. He then studied in preparation for his profession by attending Cumberland University for two years, receiving a Bachelor of Laws degree in 1912. The following year he again studied law in his father's office and was admitted to the bar in 1914, and began his practice in partnership with his father. He has devoted his life to the interests of his community, having held a number of public offices. At one time he was the mayor of Pell City, for two terms was mayor of Pell City, served on the school board for about eight years. In 1922 he was elected to the Alabama legislature and served one term. He is now in his eighth year as circuit solicitor of the 16th Judicial District, having been first elected to that office in 1938, assuming duties in January 1939, and being re-elected in 1942. Mr. Embry, who is a steward and teacher in the Sunday school class of the Methodist Church, is a member of the Alabama Bar Association, a counsel for the Seaboard Airline Railroad, and during World War II contributed his efforts as a member of the Price Panel Board, and the National

Embry married October 28, 1914, Mungall of Manchester, New Hampshire, a daughter of Loulie Compton's Seminary in Birmingham and the Martha Washington College at Abingdon, Virginia, and a teacher in St. Clair and Jefferson counties for three years. They are the parents of three children: 1. Betty Lula, married James M. Cody, a veteran of World War II, at present the Judge Advocate Department in the Pamlico Bedford Stahl.

JAMES ALDEN EMBRY—His long and successful professional career augmented by outstanding service to his community in various public offices, James Alden Embry, attorney, is practicing his sixty-seventh year in Ashville.

He was born December 17, 1860, near Lincoln, Wilcox County, Alabama, son of James and Francis (Mills) Embry, the latter a native of St. Clair County. The former, who was born in Athens, Georgia, in 1820, came to Alabama in 1837 and died in 1904. He was a farmer and served as commanding officer of the War Between the States. After his discharge at the rural pay schools until September 1864, James A. Embry entered Howard College in Georgia, and received his certificate in 1881. He returned to Ashville and started his legal career by reading in the offices of John W. Inzer, Sr., until 1882, when he was admitted to the Alabama Bar Association. He then began his own private practice and is now rounding out sixty-seven years of professional service in this community. Mr. Embry has rendered in his long career, association in various public capacities, including the Ashville City Council, of which he was a member for six years, the Ashville City School Board on which he served for many years and he was mayor of the city for one term. He was city attorney for a number of years, county solicitor of St. Clair County and also served in Chancery. He was elected circuit solicitor of the 16th Judicial Circuit, serving from 1909 to

1914. James Alden Embry married January 27, 1884, Lula Eugenia Box, native of Ashville, and their chil-

dren are: 1. Horace Box, who has passed away. 2. Alden Leroy. 3. James Eugene. 4. Frank Bernard. 5. Harry Toulmin, who has passed away. 6. James Bass. 7. Joseph J. 8. George, who has passed away. 9. Frances Irene, married George W. Hodges, Jr. 10. Renfro, married Mortier N. Eley and has passed away. 11. Sarah, who has passed away. 12. Margaret, married Samuel J. Goldstein.

HORACE HAMMOND—One of the outstanding industrial leaders of Alabama and prominent in varied activities, business, civic and humanitarian, the late Horace Hammond, of Birmingham, was from the beginning the architect of his own notable career. His family background went back to pioneer settlers of the South; his personal heritage was one of responsibilities that early required the making of a livelihood for himself and members of his household, and his life is a striking exemplification of an almost forgotten fact in American affairs that the lack of initial advantages cannot halt the progress of one imbued with the urge to do, to have and to be something more than the spectator of the developments of his day and generation.

Horace Hammond was born at Westover, near Wilcoxville in Shelby County, on August 30, 1877, son of John Henry and Serena Jane (Sullivan) Hammond. His boyhood was one of privation and hardships under the conditions then prevailing in the South, and at an age when under normal conditions he might have acquired his formal education, he had to be content with that provided by local rural schools and the instruction of a father who had been a school teacher. It is worthy of more than passing note that in the long years that followed his youth he became a man of broad education and knowledge, a gentleman who was a welcome addition to any well-informed and intellectual group. The father of Horace Hammond, an officer in the Confederate Army during the War Between the States, became an invalid when the son of this record was only sixteen years old and the burden of carrying on farm or other operations that would contribute to the family which also included a mother and two sisters, fell upon the shoulders of the boy. However great the difficulties of this period in his life, there can be little doubt that it built some of the ruggedness of character which distinguished him. Always stumbling blocks were the stones of which he built a highway to noble achievements.

When Horace Hammond entered the office of the Probate Judge of Shelby County it marked the beginning of his climb to great heights in affairs. He attracted the attention of one Colonel T. G. Bush who persuaded the young man to come with him as secretary. Later he was named assistant to this same Colonel Bush, president of the Alabama Consolidated Coal and Iron Company. Before long he found opportunity for the use of his especially fine abilities as an organizer and he came to the fore as co-organizer of such concerns as the Imperial Coal and Coke Company, the Coosa Pipe and Foundry Company, the Gadsden Pipe and Fittings Company, and other enterprises of minor importance. When Colonel Bush left the Alabama Consolidated Coal and Iron Company, Mr. Hammond also resigned and founded the Hammond-Byrd Iron Company, which became the base of his fortunes. This company specialized in the commerce of selling cast iron, pipe, pig-iron, coal and coke with extraordinary success. After the death of Colonel Bush, Horace Hammond became closely associated with the son, the late Morris W. Bush,

12-24-1908

Commercial Club moves into Quarters
over Pell City Drug Co.

Club promptly moved in with their newly purchased
furniture, reading matter and other necessaries for a well
equipped social & business institution.
A pool table is now en route which will add greatly to
the popularity of the club rooms.

12-31-1909

Charles P. Pratt Mayor has been appointed
County Solicitor for St. Clair by Circuit Solicitor James
Embrey

Graduate of U. of Ga.

Worked in law firm Knox, Aker &
Blackman at Anniston

Came to P.C. in Jan. 1902

Monday night he will tender his resignation as Mayor