

BIRMINGHAM HISTORICAL SOCIETY

Newsletter

November 2021

“WITH INTENT TO CREATE A BIRD PARADISE HERE”

GEORGE WARD, THE BIRMINGHAM AUDUBON, AND THE WILDFLOWER AND BIRD SANCTUARY AT VESTAVIA

This account of the founding and early years of the Birmingham Audubon is drawn from newspaper accounts clipped and saved by George Ward in his scrapbooks now held at the Birmingham Public Library Department of Archives and Manuscripts.

In 1927, investment banker and former Birmingham mayor George Ward resided at Vestavia, his country estate atop the bluffs of Shades Mountain.¹ His residence in a reconstructed Roman temple was newly completed and extensive gardens were under development. Ward would open his gardens often to both friends and visitors and would continue his campaigns to encourage respect and conservation of the surrounding countryside and its wildlife.

Mr. Joseph Dodson, a traveling salesman with an interest in protecting birds and in selling bird houses and feeding stations, visited Ward at Vestavia. Ward purchased Dodson's products, became an avid bird enthusiast, and founded a chapter of the National Association of Audubon Associations, a group in which Dodson suggested Ward might have interest.²

The organizational meeting of the Birmingham Audubon Society was held March 16, 1927 in the auditorium of the newly built Alabama Power Company building. Dr. Harry E. Wheeler, curator of the Alabama Museum of Natural History



at the University of Alabama, presented an illustrated talk on birds and their cultural and economic relations to mankind. Forty-nine charter members attended, and officers were elected. George Ward became President, an office he would hold for the next thirteen years.³

LEFT: **George B. Ward**, founder and first President of Birmingham Audubon, 1927-1940. George Ward, 1926. Birmingham Public Library Archives.

BELOW: **Vestavia**, George Ward's Shades Mountain estate: the site of Audubon programs and location of Ward's Wildflower Garden and Bird Sanctuary. Post card with aerial view, 1929.



Audubon Society is Formed Here-George B. Ward Heads First Organization for Study of Bird Life

The first definite organization in Birmingham for the care and study of birds was in existence Thursday. It was formed Wednesday night at a meeting in the auditorium of the Alabama Power Company where charter members were enrolled and officers elected for the Birmingham Audubon Society, a branch of the national society.

George B. Ward was elected first president of the society. Other officers are Mrs. Angus Taylor, vice president; Mrs. Elwyn Ballard, secretary; Samuel L. Earle, treasurer.

Organization of the club was preceded by an illustrated talk on birds and their cultural and economic relations to mankind by Dr. H. E. Wheeler, curator of the museum of the University of Alabama. Slides illustrating the lecture were made by Dr. Wheeler and painted in the actual colors of life.

The first regular meeting of the Society will be Saturday afternoon April 2, at "Vestavia," home of Mr. Ward on Shades Mountain. The afternoon will be spent in the study of birds, the adoption of a constitution and transaction of other business in perfection of the organization. All lovers of birds or persons interested in their preservation as an economic necessity are invited to this meeting.

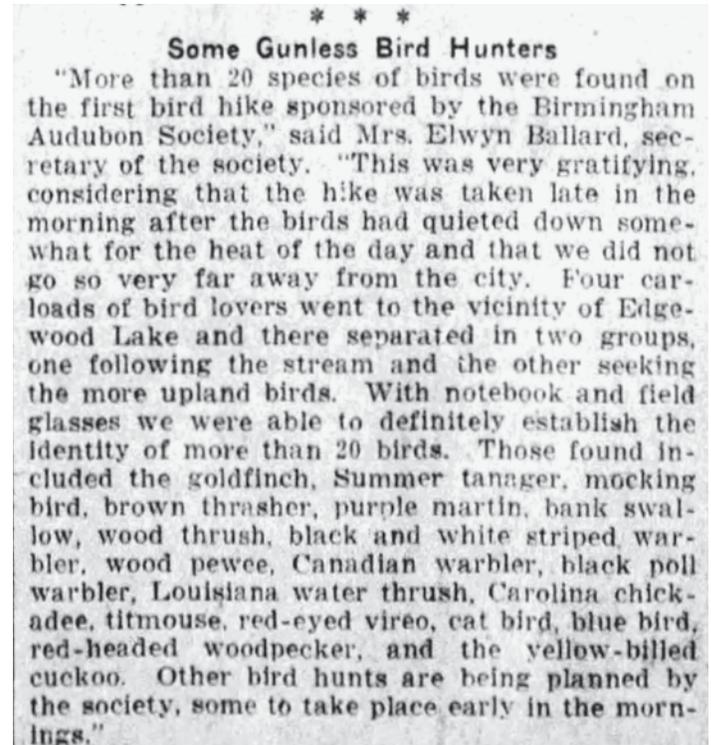
The following are the charter members of the organization:

S. L. Earle	Miss Ida M. Eddy
Mrs. S. L. Earle	Frank Taylor
Prof. J. M. Farris	Bobby Ballard
Dr. Elwyn Ballard	Mrs. Charles S. Caldwell
Mrs. Elwyn Ballard	J. F. Rothermel
Miss Elizabeth Ballard	Miss Annie Lee Warren
G. S. DeSole Neal	Mrs. J. F. Rothermel
Mrs. G. S. DeSole Neal	Mrs. W. J. Adams
Mill Elizabeth Ballard	Mrs. R. Dupont Thompson
Mrs. Katie Lee Johnson	Miss Annie Laurie Martin
Miss Nannie Myrtle Price	Mrs. E. T. Steele
Miss Bessie Lee Monson	Miss Margie Martin
Miss Edris Marie Hughes	Chappell Cory
Miss Leila Wood	Mrs. Chappell Cory
Mrs. W. R. Lathrop	R Dupont Thompson
Miss Louise Lathrop	George B. Ward
Charles C. Greer	J. W. Donnelly
J. Oliver Pinkston	Mrs. J. W. Donnelly
Dr. W. A. Whiting	Angus Taylor
Miss Harriett Dobbins	Mrs. Angus Taylor
Ellis W. Clark	Gus Kierce
Dr. E. B. Erwin	Wilford Naylor
Mrs. E. B. Erwin	Enloe Billingsley
Miss Dorothy Ranson	Joe Johnson.
Miss Elizabeth Eddy	

Audubon Society is Formed Here-George B. Ward Heads First Organization for Study of Bird Life, *The Birmingham News*, Thursday, March 17, 1927.

The first regular meeting of the Birmingham Audubon took place April 2, 1927 at Vestavia. All lovers of birds and persons interested in their preservation were invited to attend. At this meeting Alabama Commissioner of Conservation L. T. Quinn gave a talk discussing Alabama's laws regarding birds and assuring the group of his interest in their work.

A month later on May 13, 1927, the first "gunless bird hunt" took place. Four carloads of bird lovers with notebooks and field glasses gathered at the then extant Edgewood Lake to scout for birds. They found 20 different species.⁴



The first Audubon bird count, *The Birmingham News*, May 13, 1927.

Also in May 1927, the *Birmingham News* social columnist Dolly Dalrymple featured the Society in a full-page Sunday story. Miss Dalrymple together with 100 others had attended a Society meeting held on the lawn at Vestavia. Ward shared with her a pamphlet outlining the program of the national association.⁵ Its goals included seeking state and federal laws to protect birds and regulate the plumage trade (then favored by the millinery industry) and conducting ornithological surveys. The association maintained a staff of lecturers and field agents to assist local societies with guidance in erecting nesting houses, baths, and other accommodations for birds; propagating native game birds and waterfowl; and forming sanctuaries and refuges to provide safe places for birds to nest, rest, feed, and breed. Field agents also helped organize children to study and befriend

birds.⁶ Hunting, trapping, and shooting birds with sling shots were decimating bird populations at this time.

During 1927 George Ward with the assistance of his near neighbor attorney E. J. Smyer had gained passage to protect wildflowers statewide. Act No. 343 of the Legislature of Alabama made it unlawful and a misdemeanor, punishable by fine, for any person other than the owner of the land to “cut, break, or remove any flowers therefrom or to willfully remove, cut, break or injure such trees, bush, shrub, or plant” Constables and sheriffs were charged to diligently enforce this act. Possession of any of these wild plants was considered evidence of guilt.

In August 28, 1928, George Washington Carver, the agricultural scientist and inventor at the Tuskegee Institute, wrote to George Ward extolling the beauties of Vestavia’s gardens and the opportunities they presented to become an educational center. Carver called the site “a veritable El Dorado to the lovers of nature.” His correspondence included a list of 68 medicinal trees and plants found at the site during his recent visit.⁷

In his biographical statement published in 1929 for the *Alabama Blue Book and Social Register*, Ward proudly proclaimed his Presidency of the Birmingham Audubon Society, listing it ahead of his political, business, and other civic service. His hobbies, the Blue Book noted, were “birds, trees, flowers, and nature conservation”⁸

Bird Sanctuaries

Protected places where birds are sheltered and may not be trapped or hunted.

Ward continued to issue notices for meetings of the Birmingham Audubon Society, often typed on the letterhead of Ward, Sterne & Company, his investment banking concern. Throughout the late 1920s and 1930s, the press continued to cover these meetings at which many noted authorities spoke. Speakers included biologist and conservation pioneer Dr. T. Gilbert Pearson, president of the National Association of Audubon Associations (1920-1934), and Dr. William Patterson of Columbia, Harvard, and Mt. Holyoke colleges and later the University of Georgia. Meetings took place at the Birmingham Public Library (today’s Linn-Henley Library) and at Vestavia.

Birmingham Ordinance No.1314-C establishing and dedicating the City of Birmingham as a bird sanctuary and prohibiting the maiming, killing or injuring of any wild bird within city limits or police jurisdiction was passed by the City Commission on February 19, 1929.⁹ Boy Scouts posted signs throughout the city noting that the ordinance was in effect.

Ordinance No. 1314-C

An ordinance to establish and dedicate the City of Birmingham a Bird Sanctuary, to prohibit the maiming, killing or injuring of any wild bird within the City of Birmingham, or the police jurisdiction thereof, and to provide a penalty for violation of the provision of this ordinance.

Be it ordained by the Commission of the City of Birmingham as follows:

Section 1. That the territory within the corporate limits of the City of Birmingham, Alabama, and the police jurisdiction thereof, be, and the same is hereby declared to be a bird sanctuary.

Section 2. That it shall be unlawful for any person or persons to maim, kill or in any manner injure any wild or migratory bird within the above designated district.

Section 3. That any person or persons violating any of the provisions of this ordinance, shall, upon conviction, for such offense, be fined not less than one, nor more than one hundred dollars, and may be imprisoned or sentenced to hard labor for a period of not exceeding six months, one or both, at the discretion of the Recorder.

Approved February 19, 1929

Birmingham Ordinance establishing the City of Birmingham as a Bird Sanctuary, February 19, 1929.

These notices were prepared and paid for by the Birmingham Audubon Society, but signed by Jimmy Jones, President of the City Commission. Penalties for violating the ordinance included fines and hard labor.¹⁰ The City of Homewood, at the urging of the boy scouts, would also declare their city “A Bird Sanctuary.” In a letter to the Homewood Boy Scouts congratulating them on the bird sanctuary designation, Ward quoted a passage from the German theologian Martin Luther. Luther reprimanded an associate for trapping and killing birds and stated that “he should be punished by God with a plague of all kinds of harmful insects.”¹¹

Two years after the initial meetings, in May 1929, the Birmingham Audubon Society secretary Mrs. Elwyn Ballard reported that Montgomery and Birmingham had enacted ordinances to protect songbirds. Birmingham Audubon was encouraging the building of bird baths and pools and the planting of mulberry, wild cherry, sassafras, shad, chinaberry and hackberry trees “with intent to create a bird paradise” here. At this time, Hamilton McGowan, representing the National Association of Audubon Societies, was in town for a month, talking up bird protection in all public schools. Harry Wheeler was also speaking to school and scout groups.¹²



Bald Eagle, collected in 1928. McWane Science Center. Photograph by Marjorie White, 2021.



Curator Jun Ebersole shows McWane Center's preserved bird specimens collected in the 1920s to Sarah Randolph and Chris Oberholtzer of the Alabama Audubon. Photograph by Marjorie White, 2021.

In December 1929, the Audubon Secretary reported that Birmingham clubwomen had formed a Museum Association chaired by Mrs. C. C. Adams. Early in 1929, they secured the services of Thurston Wright of Chicago's Field Museum of Natural History to advise them. Wright wanted to make a collection of the birds of Alabama to help educate school children and the ladies sought to help.¹³

A collection of 119 bird specimens of birds from across Alabama and the southeast was assembled from April 1929 through 1932. Seventy-three (61%) of these birds were collected in the Birmingham area: 23 at Edgewood Lake, 31 at Oxmoor Lake, 13 in Birmingham and Irondale, and 6 on Shades Mountain, perhaps at Vestavia. Thurston Wright, M. Cox, S. Powell, F. Conkell, W. O. Stroud, B. V. McWhorter, C. Brogdon, H. Segers, and C. Wolford contributed to the effort. All bird skins were taxidermied; several were stuffed, mounted, and posed. Together with the inventory noting their provenance, the specimens were given to the Birmingham Public Museum at the Birmingham Public Library. In 1995 the library transferred the collection to McWane Center where many are on exhibit and many more in archival storage. Archeologist and paleontologist Dr. Jun Ebersole curates this collection.

At an Audubon meeting in September 1929 National Audubon Association President Dr. Gilbert Pearson reported that of the 800 documented bird species found in the United States, 327 were found in Alabama.¹⁴ On his Southern circuit Pearson visited Montgomery and the Rainey Bird Sanctuary near Iberia, Louisiana, then Audubon's largest bird refuge in America. Local Audubon leaders noted that they were working to establish bird sanctuaries in public parks across the Birmingham region to provide safe havens for song and insectivorous birds.

In September 1929, George Ward sent a memorandum to his grand-niece Margaret Spain and her husband Frank Spain, the former's banker Walter Henley, President of Birmingham Trust National Bank (today's Wells Fargo Bank), and to Wallace Johns, of Johns Undertaking (today's Johns-Ridout's) detailing plans for his funeral and burial at Vestavia in the vault beneath the recently completed Temple of Sibyl. This memorandum also stated his wish that the 10-acre wild garden beneath the temple be dedicated as a bird refuge and park at his death.¹⁵

At Vestavia, Ward the "bird fancier and flower culturist," as the press called him, made a study of the habits of purple martins. Over a period of years his diary recorded their March arrivals and their September departures. Ward advised those seeking to encourage the presence of martins not to use architecturally grand bird houses or have a bedroom window opening toward the martin house, as martins begin their song

at daybreak. He also reported that the vast numbers of insect pests that one colony consumes in a season more than justifies the value of their presence. One female martin was said to consume up to 2,000 mosquitoes in a day.¹⁶ Ward had four houses with 40 rooms each and also 30 gourds to house his favorite songsters.¹⁷

A 1940 codicil to George Ward's will further stated his wish that the 10-acre site to the south of the (no longer extant) paved road be divided equally among his three nieces. He sought preservation of the portion of his estate to the north of the road—the rugged mountainside and wild portion—through public ownership.

“It is my will that that part of the land owned by me surrounding my home Vestavia, lying north of the paved road, consisting of approximately ten (10) acres and including the Temple of Sibyl, shall be given to the City of Birmingham or Jefferson County on condition that it is to be held perpetually as a public park and that the public body to which it is given shall agree to maintain it as a wild flower and bird sanctuary.”

—George Ward, Codicil to his Will, April 13, 1940.

BELOW: **The Wild Garden and Bird Sanctuary**, Photograph 1949 from *Vestavia Temple and Gardens* by Byrd Real Estate.



Checking out the wildflower and bird sanctuary, left to right, Brian Rushing, Henry Hughes, Birgit Kibelka, Marjorie White, Merrill Stewart Jr., January 10, 2021. Photograph by Brian Rushing.





Checking out the wildflower and bird sanctuary, at the overlook at Vestavia Hills Baptist Church, Marjorie White, Henry Hughes, Chris Oberholtzer, Sarah Randolph, Ann Sweeney, Photograph by Donald Sweeney, April 8, 2021.

Ward died in September 1940. His executors sold the entire estate to Charles Byrd, developer of Vestavia Hills, who proceeded to redevelop the temples and gardens as a commercial garden with a restaurant and tea terrace. When the venture failed, Byrd sold the remaining estate to the Vestavia Hills Baptist Church, owner of the property to this day. While the church demolished Ward's temple residence, the Vestavia Hills Garden Club saved and moved the Temple of Sibyl to its current park location at the northern entrance to Vestavia Hills on U.S. 31. Ward's wildflower and bird sanctuary property beneath the bluffs of Shades Mountain remains today on the grounds of the Vestavia Hills Baptist Church.

The Birmingham Audubon Society founded by George Ward in 1927 also remains. In October 2019, the Society changed its name to Alabama Audubon. The Society's mission is to promote conservation and a greater knowledge of birds, their habitats, and the natural world.

Endnotes

- 1 During George Ward's lifetime, Vestavia was situated in unincorporated Jefferson County. At this time this Shades Mountain area was sparsely populated. Today's old Montgomery Highway became U.S. 31 in the 1930s, the state of Alabama's only all-paved statewide highway. The old Montgomery Highway and Smyer Road, built beginning in 1915, provided access to Vestavia. In 1950, Ward's former estate became part of the newly created City of Vestavia Hills. Noted national landscape architect and regional planner Warren H. Manning had extolled the scenic possibilities of the future bluff-top estates on Shades Mountain in *The City Plan of Birmingham*, prepared in 1916 at the behest of and under the direction of then Mayor George Ward. This plan also provided the vision for the creation of a park system for Birmingham and noted that it would be accomplished through both public acquisition of land and private donations. Ward took Manning's planning recommendations to heart. He acquired parks for the City of Birmingham and a bluff-top estate for himself that he ran as a quasi-public park and sought to preserve as open space at his death.
- 2 "The Birmingham Audubon Society," by the Secretary, *Alabama Game and Fish News*, August 1929. The George Ward Collection of Scrapbooks Relating to the History and Government of Birmingham From June 1899, to December 23, 1923 and from 1930 to April 24, 1939, Birmingham Public Library Archives. Ward Collection of Scrapbooks, Volume XXI, p. 82.
- 3 "Audubon Society is Formed Here-George B. Ward Heads First Organization for Study of Bird Life," *The Birmingham News*, March 17, 1927. All accounts indicate that the Birmingham Audubon Society is the only Audubon society in the state of Alabama at this time. Incorporation documents at Jefferson County Probate office document the incorporation of Birmingham Audubon Society on November 11, 1974 (deed book 1127, page 354) and September 17, 1976 (deed book 1348, page 964).
- 4 "Some Gunless Bird Hunters," *The Birmingham News*, May 13, 1927.
- 5 The National Association of Audubon Societies was incorporated in 1905, although there had been earlier associations of state groups. In 1940, its name was changed to National Audubon Society.
- 6 "Birmingham Audubon Society: Safety and Care of Birds Sponsored by Group-Spring March Begun by Feathered Tribe-George Ward, Head of Group Here, Tells of Plans and Objects in Conservation," by Dolly Dalrymple, *The Birmingham News*, Sunday, May 22, 1927.
- 7 Ward Collection of Scrapbooks, Volume XXI, pp. 48 to 50.
- 8 "Ward, George Battery [Battey], *Alabama Blue Book and Social Register*, 1929, p. 207.
- 9 Ordinance No. 1314-C. Ward Collection of Scrapbooks, Volume XXI, p. 118.
- 10 "Flying Friends Given Sanctuary-Hills and Dales Now Ablaze with Best Nature has to Offer in Wild Blooms," by Winifred Rothermel, *The Birmingham News*, April 27, 1929, a feature article with many photographs. Ward Collection of Scrapbooks, Volume XXI, p. 69.
- 11 Geo. B. Ward, President, Birmingham Audubon Society to Homewood Boy Scouts, Ward Scrapbook XXI, p. 226, n.d.
- 12 "The Birmingham Audubon Society," by the Secretary, *Alabama Game and Fish News*, May 1929. Ward Collection of Scrapbooks, Volume XXI, p. 80.
- 13 "The Birmingham Audubon Society," by the Secretary, *Alabama Game and Fish News*, May 1929. Ward Collection of Scrapbooks, Volume XXI, p. 80.
- 14 "800 Bird Species Home in America-Alabama Habitat of 327 Species Audubon Society Here Told by Pearson," *Birmingham Age-Herald*, December 28, 1927.
- 15 "Memorandum to Margaret and Frank Spain, Wallace Johns, Johns Undertaking Company, W.E. Henley, Birmingham Trust & Savings Company," September 1929, Ward Collection of Scrapbooks, Volume XXI, p. 85.
- 16 "Purple Martins Are Decorative and Useful Addition to Modern Garden," *Birmingham Age-Herald*, March 8, 1931.
- 17 "Mr. Ward's Martins Come Up to See Him at Regular Time," *Birmingham Age-Herald*, March 9, 1934.