

*The*  
**QUARTERLY**

*Periodical of*

THE FLORIDA HISTORICAL SOCIETY

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To the Members

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GEORGE R. FAIRBANKS.

*Saint Augustine, April, 1857*

## THE STORY OF THE LAFAYETTE LANDS IN FLORIDA

Among the various kinds of men who assisted in the achievement of American independence, there is one whose devotion to liberalism and whose generosity to a struggling and, at times, almost hopeless cause cannot be gainsaid. Neither time nor the debunking zeal of some modern historian has dimmed the role of LaFayette in the founding of this republic, and it is to the credit of the nation that the debt was at length generously repaid.

It is not necessary to recount the services of the young Frenchman who ran away from home in his own ship to join Washington's motley troops. Suffice it to say that in addition to distinguished service in the field and long negotiations with France, LaFayette spent about \$200,000 of his private fortune <sup>1</sup> in behalf of the colonies and steadily refused all compensation. <sup>2</sup>

As long as fortune left LaFayette the position and wealth to which he was born, no thought of repaying this sum was considered. But after his imprisonment by the enemies of France and the confiscation of his estates during the Reign of Terror, the question arose as a means of saving his family from actual want. Madame LaFayette made repeated appeals to the American ministers as well as to individual Americans and, at one time, LaFayette himself hoped to obtain his release through American aid. <sup>3</sup> Such petitions were not unheeded, for our ministers contributed generous-

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<sup>1</sup> DuPont de Nemours to Jefferson, April 2, 1802. Jefferson Papers 122

<sup>2</sup> Jefferson to Washington, December 31, 1793. Jefferson Papers 95

<sup>3</sup> Brand Whitlock, *LaFayette*, II, p. 36

ly,<sup>4</sup> and even Washington sent Madame LaFayette two hundred guineas which he claimed was a private debt.<sup>5</sup>

But such aid was no more than a pittance, and the friends of LaFayette wished to take more adequate measures. Moreover, other nations expected the United States to act in behalf of their benefactor.<sup>6</sup> As far as can be determined, Jefferson took the initiative, partly in response to a query from the President, partly to provide for the unauthorized sums advanced by the embassies. The most feasible solution of the whole matter, according to Jefferson, was for Congress to grant LaFayette his back pay as a major-general, estimated at \$20,600.13. True, the Marquise had declared to Silas Deane that his services would be "without any particular or pension" but no act of Congress had confirmed this agreement.<sup>7</sup>

Congress lent a willing ear to this suggestion and, in March 1794, passed an act granting to LaFayette

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<sup>4</sup> The American ministers at Paris, London, and the Hague placed generous sums at LaFayette's disposal. Monroe alone spent \$4,856.17 which was repaid by the American government on July 23, 1798. Monroe Papers 1. Note of July 23, 1798

<sup>5</sup> Washington to Madame de LaFayette, January 31, 1793. Monroe Papers 7

<sup>6</sup> John Edwards to Jefferson, October 28, 1793. Jefferson Papers 94

<sup>7</sup> Jefferson was taking a very technical view of the case or he was unaware of earlier action by the Continental Congress, for although no law had expressly stated that LaFayette would not receive pay for his services, the following resolution had passed that body on July 31, 1777:

"Whereas the Marquis de La Fayette, out of his great zeal to the cause of liberty, in which the United States are engaged, has left his family and connexions, and at his own expense come over to offer his services to the United States without pension or particular allowance, and is anxious to risque his life in our cause-

Resolved that his service be accepted, and that in consideration of his zeal, illustrious family and connexions he have rank and commission of major-general in the Army of the United States."

Whitlock, *LaFayette*, I, p. 81.

\$24,424, this "being the pay and emoluments of a major-general during the time he was in the service of the United States."<sup>8</sup>

But \$24,424 is small consolation to a man facing the financial ruin which met LaFayette on his return from imprisonment. The lands salvaged from the wreck of his fortunes needed extensive expenditures for which there were no funds, while he was constantly surrounded by a host of relatives and former supporters whose appeals for aid his generous spirit could never resist. With affairs at this low ebb, his friends turned once more to America. Chief among them was Pierre Samuel du Pont de Nemours, a French liberal, who had established his family in America in 1799. Not only was Du Pont a friend of LaFayette but he was also on intimate terms with Jefferson, now President of the United States, and it was toward the latter that he directed his efforts.

It did not take much imagination to see that \$24,424, the pay of a major-general, was meagre return for the gift of some \$200,000 ; so, in due time, Congress made a new grant to the Marquis. By an act of March 3, 1803, he was extended the right, as a former American officer, to locate 11,520 acres of land on the public domain.<sup>9</sup> The bill had fixed the location of the lands in the Northwest Territory but, through Jefferson's influence, permission was given to change the site to the newly purchased Louisiana.<sup>10</sup> As the General's debts were pressing, it would be to his advantage to realize on his property as soon as possible and the likelihood of a quick turnover was greater in New Orleans than in Ohio.

Notwithstanding these good intentions, the Louisiana lands proved a great disappointment. Twenty

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<sup>8</sup> *Annals of Congress*, III, p. 1428

<sup>9</sup> *United States Statutes at Large*, II, p. 236

<sup>10</sup> *Ibid.*, II, p. 305

years elapsed before the entire grant was placed and it was never free from conflicting claims.<sup>11</sup> The sale of the lands did accomplish the object sought, however, for on August 14, 1814, LaFayette was able to write Jefferson that "thanks to the munificence of Congress and the prudence of my friends, I am perfectly clear of debts and pecuniary embarrassments".<sup>12</sup>

America's interest in the financial struggles of LaFayette waned after the grant of 1803 until the desire to realize an old man's dream brought them once more to the public mind. Amid all the disappointments and disasters of his career, one memory had always comforted him—the thought of the young republic he had helped to found, and a great longing to revisit it grew in him as age advanced. As soon as this desire reached the ears of Congress, a resolution was passed inviting him to be the honored guest of the nation and offering him a public ship for the voyage.<sup>13</sup>

The invitation, duly delivered, thrilled the heart of the old Frenchman but there was some hesitation about his acceptance. James Brown wrote to President Monroe; "I fear he wants money as it has been intimated to me that he wished to borrow a few thousand dollars".<sup>14</sup> Time confirmed Brown's suspicions, for on May 30, he informed the President fur-

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<sup>11</sup> The full story of the LaFayette lands in Louisiana will appear as an article in the *Louisiana Historical Quarterly* in an early issue.

<sup>12</sup> LaFayette to Jefferson, August 14, 1814. Jefferson Papers; also, Chinard, *Letters of LaFayette and Jefferson*, p. 346

<sup>13</sup> LaFayette had expressed such a wish in a letter, dated October 26, 1803, to a Mr. Brannan of Washington, D. C. who had sent him a copy of his *Military and Naval Letters of the Revolution*. The Congressional resolution was introduced by Mitchell of Maryland on January 24 and was passed two weeks later. *LaFayette in the United States*, clippings compiled by B. T. Hill, I, p. 8

<sup>14</sup> James Brown to Monroe, January 23, 1824. Monroe Papers, 21

ther of the difficulties which LaFayette was experiencing in arranging his affairs and expressed the wish that Congress had voted him a sum of money instead of a public ship.<sup>15</sup>

The funds required were at length raised, however, and on July 10, 1824, LaFayette and his party sailed for America on the *Cadmus*. He had delicately declined the use of the national vessel.

Nevertheless the pathetic struggle necessary to make the voyage possible had not been lost on our government. Brown had hoped that the Americans would make him some gift and the General's friends on this side of the Atlantic seemed to hold the same view. Soon after the *Cadmus* arrived, Monroe wrote to Jefferson: "My hope is that the nation will provide for him in a way to put him at his ease the remainder of his life and to indemnify his family for the losses which the principles which he imbibed in our great struggle, and of which he has been the victim, subjected them to."<sup>16</sup>

Accordingly, as soon as Congress convened, the President took occasion to bring the matter to its attention. "It is natural," read the message, "that we should all take a deep interest in his future welfare as we do. His high claims on our Union are felt and the sentiment universal is that they should be met in a generous spirit. Under these circumstances I invite your attention to the subject with a view that regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments and be worthy the character of the American People."<sup>17</sup>

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<sup>15</sup> James Brown to Monroe, May 30, 1824. Monroe Papers, 21

<sup>16</sup> Monroe to Jefferson, October 18, 1824. Jefferson Papers, 227

<sup>17</sup> Message of Monroe to Congress, December 7, 1824. Richardson, *Messages and Papers of the Presidents*, II, p. 259

Two weeks later, bills were reported in both houses of Congress providing a third compensation for LaFayette's services to the American cause. The Senate measure which antedated that of the House by one day granted the General a township of land located on any unsold public domain and \$200,000.<sup>18</sup>

The bill was read twice without any objection being raised and it was therefore something of a surprise to its adherents to encounter a small but persistent opposition when the third reading took place on December 21. Mr. Macon of North Carolina, the leader of this group, argued that the services of LaFayette placed him on the same footing as the "other sons of the family" and that he should be treated accordingly.<sup>19</sup> He was supported by Brown of Ohio who questioned the right of the Senate to pass such a bill in view of the fact that the compensation was to be met by a loan.

To these critics Hayne, the defender of the project, replied by a burst of characteristic eloquence. Ignoring the query regarding the Senate's power, he emphasized the services of LaFayette and the inadequacy of the return previously made. Even the major-general's back pay had been without interest, he observed, and the lands in Louisiana had become so involved in claims that a much smaller return had been received than Congress had intended. Indeed, the very smallness of the returns had been partly due to the fact that LaFayette had refused to prosecute claims which were unquestionable. Thus he had never received the compensation which he was due. Finally, Hayne demanded, what would Europe think of the

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<sup>18</sup> *Debates of Congress*, VIII, p. 101. The suggestion for the character of the gift may have come from Monroe unofficially. See unaddressed letter from Monroe in Whitlock, LaFayette, II, p. 246

<sup>19</sup> *Debates of Congress*, VIII, p. 102



American people if they sent their guest home empty handed in his need.<sup>20</sup>

The Southern senator's eloquence carried the day and the bill was passed 38 to 7.<sup>21</sup>

Meanwhile a similar measure was meeting difficulties in the House. Some members resented the haste with which the bill was being pushed. It had been in committee two weeks, it was argued, why wasn't the House to be allowed time for proper consideration. Other members wished to reduce the sum offered to \$150,000 or even \$100,000 while still others compared the bountiful gifts to LaFayette with the rewards to American citizens who had made proportionally greater sacrifices. The objection which struck the most fire, however, was the suggestion of Sloane of Ohio that the whole matter be recommitted with the instruction to find out what was the actual extent of LaFayette's services.

At this last remark, McDuffie of South Carolina nearly lost his temper. Compensation to LaFayette, he maintained, was not an indebtedness to be paid off but a gift, and it was an insult to estimate his services in dollars and cents. He was ably seconded by Mangum of South Carolina and Hearick of Maine. The latter urged that the measure be voted at once before its spirit would be ruined by further haggling.<sup>22</sup>

After a few additional efforts to postpone a decision, the bill was carried in its original form, 166 to 26.

While this minor battle was in progress in Washington, LaFayette had tactfully retired to Annapolis that

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<sup>20</sup> *Ibid.*, p. 103. Speech of Hayne

<sup>21</sup> *Ibid.*, p. 105. The House bill which was sent to the Senate for concurrence on December 23, 1824, was passed unanimously. This may account for the story that the only opposition to the gift came from 26 members of the House.

<sup>22</sup> *Ibid.*, pp. 209-218

his presence might not prove an embarrassment to his friends. On his return early in January, he was waited upon by a joint committee of both houses and presented with the nation's gift. His joy and gratitude were boundless for, as he wrote Jefferson, "I am now quite rich and equal to all family purposes I might wish".<sup>23</sup> Even the Congressional opposition had its share of his generosity for he declared that had he been called upon to vote for his own compensation, he would have acted as they.

Opinion in the country at large sustained Congress but it was to be expected that some contrary voices would be raised. Not all such opposition could be branded as stingy and ungrateful for many sincerely doubted the propriety of Congress's act "as well from its dangerous tendency" as from the belief that there really was a lack of power to thus sign away the people's money.<sup>24</sup>

The disposition of the \$200,000 was at once an object of concern to all the General's friends in order that it might be what it was intended, a security for his old age. Jefferson, whose own financial affairs were seldom untangled, advised him to leave the money in government bonds as "there can be no safer deposit on earth than the Treasury of the United States".<sup>25</sup> LaFayette's own wish was typical of his whole character. Monroe was, at the time, in financial distress and his friend offered to clear his debts.<sup>26</sup> Of course the President refused the sacrifice and, after some discussion, \$120,000 was invested in government bonds and \$80,000 spent in paying up LaFayette's own debts.<sup>27</sup>

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<sup>23</sup> LaFayette to Jefferson, January 26, 1824. Chinard, p. 429

<sup>24</sup> *Niles Weekly Register*, XXVII, p. 273. Editorial, "Freedom of Opinion," January 1, 1825.

<sup>25</sup> Jefferson to LaFayette, January 16, 1825. Chinard, p. 428

<sup>26</sup> *Niles Weekly Register*, 36, July 4, 1829

<sup>27</sup> LaFayette to Jefferson, January 26, 1825. Chinard, p. 429

The next question which interested the country was the location of the township and, in this matter, all eyes turned to Florida, the most recent acquisition of the United States. Florida was much before the public mind, for its first real estate boom was in progress. The purchase price of the territory had been \$5,000,000 payable in claims of American citizens against Spain ; and the United States, hoping to realize this sum from land sales, <sup>28</sup> was making strenuous efforts to attract settlers. The task was not hard for Middle Florida, the only part of the peninsular about which much was known, had admittedly great possibilities for agriculture.

Since the arrival of LaFayette in the United States constant rumors had circulated to the effect that he intended to settle in America and his enthusiasm for the new world tended to bear out the stories. Indeed, it was admitted during the House debate on the compensation issue that such was the hope of the Administration. <sup>29</sup> Jefferson had frankly hoped to capitalize LaFayette's popularity in 1803 by making him a resident of Louisiana. <sup>30</sup> What more natural than that Monroe should attempt a similar course in the case of Florida, especially when the region had the reputation of being the best land at the disposal of the nation. The General himself was keenly interested in the proposition, for while in Washington, he had come under the magnetic spell of Richard Keith Call, Florida's representative and her most ardent champion. A strong friendship grew up between the two men and

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<sup>28</sup> Monroe's Message, December 7, 1824. Richardson, *Messages and Papers of the Presidents*, II, p. 253.

<sup>29</sup> *Debates of Congress*, VIII, p. 214

<sup>30</sup> Jefferson had taken the matter under serious consideration and had even offered the post of governor to LaFayette. LaFayette to Jefferson, February 26, 1804, and same to same, October 8, 1804. Chinard, p. 227 and p. 232

before they separated, LaFayette half-way promised to visit Florida.<sup>31</sup>

To select the site of the township, Monroe appointed Colonel John McKee, congressman from Alabama and a veteran land speculator of the southeast.<sup>32</sup> He was well versed in Florida affairs, for he and George Mathews had been the agents who had attempted to foment a revolution in East Florida prior to the War of 1812.<sup>33</sup> According to the agreement drawn up between McKee and George Graham, the Commissioner of Public Lands, the former was to have three months in which to make the selection<sup>34</sup> and in return for his services, would receive one section of the township.<sup>35</sup>

From the Pensacola Gazette (April 23, 1825) it is learned that McKee reached Florida early in the month. He went at once to Tallahassee, the new capital of the territory and also the center of rich plantation lands. The usual spring rains delayed his task for, as he wrote George Graham, "I have been here since the seventh but the woods are so rotten I have made but little progress in examining the country. We have not had three fair days since I arrived". Even under such trying circumstances, however, the first Township North in Range 1 East appeared to him superior to the rest of the land inspected. "As far as I have examined it, I have seen no land that may not be cultivated and a great portion of it is first rate."<sup>36</sup>

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<sup>31</sup> Long, *Florida Breezes*, p. 102

<sup>32</sup> *Pensacola Gazette*, June 11, 1825

<sup>33</sup> Instructions to McKee and Mathews. Richardson, *Messages and Papers of the Presidents*, I, p. 505

<sup>34</sup> George Graham to LaFayette, March 9, 1825. Records of the Public Land Office, Miscellaneous Letters, 55, p. 317

<sup>35</sup> McKee received section 15. LaFayette heirs to William P. Gould, Leon County Deed Book D, p. 321

<sup>36</sup> McKee to George Graham. April 21, 1825. Records of the Public Land Office Miscellaneous Letters, M, no. 276

Further investigation justifying this early opinion, Graham was able to report to LaFayette on June 22, 1825 that the selection had been fixed. Although he assured LaFayette that the site was the "best in Florida", he reminded him that he did not have to agree to the choice. "If you are in possession of, or may previous to your departure from the country obtain any information that may in your opinion make it expedient to select a township in any other part of the country, you will be at liberty to do so".<sup>37</sup> Needless to say, no change was made and, on July 4, 1825, the warrant for the township was signed by the President.<sup>38</sup>

The people of Florida shared the hope of the Administration that LaFayette would remain in the country. In one of the local papers, a writer of Chipola expressed the wish that a colony of Frenchmen would come to the territory "to refine the rough inhabitants of the vicinity and render us by their example the politest people in the United States".<sup>39</sup> More official expression was given to the same feeling by a resolution of the Territorial Legislature which urged the General "if it should be consonant with his inclinations and not inconsistent with his interests, to establish his permanent residence in the United States and that Florida may be honored as such residence".<sup>40</sup> Governor Duval inclosed the resolution in a personal letter to assure him that "we should receive you with open arms as our fellow citizen, our neighbor, and our friend."<sup>41</sup>

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<sup>37</sup> George Graham to Lafayette, June 22, 1825. Ibid., 56, p. 218

<sup>38</sup> Record of Donation Patents, VII, 79

<sup>39</sup> Rerick, *Memoirs of Florida, II, p. 153*

<sup>40</sup> Resolution of the Territorial Legislature of Florida, December 11, 1825. *Gulf States Historical Magazine*, November, 1902, p. 201

<sup>41</sup> Duval to LaFayette, January 10, 1826. *Gulf States Historical Magazine*, November, 1902, p. 200

In spite of LaFayette's appreciation of these tokens of goodwill and his genuine affection for the American people, there is no evidence that he ever seriously considered expatriating himself. Part of the township he planned to retain as the American estates of his house but the rest he was willing to put on the market at once. Graham, to whom he gave the power of attorney in September, 1828,<sup>42</sup> urged him to lay off the land adjacent to Tallahassee in town lots but advised holding the rest of the grant. The value of the township ought to be \$150,000, he reported, but current prices were too low to realize that sum.<sup>43</sup>

The ideal estimate which LaFayette accepted with his usual childlike faith probably accounts for his refusal to sell to R. K. Call half the township for a flat sum of \$50,000;<sup>44</sup> doubtless it is also the basis for later complaints that the lands near Tallahassee were held at prohibitive prices and thus the growing city "would remain subject to a wilderness on its border".<sup>45</sup>

But the Florida township meant more to LaFayette than the realization of \$150,000 through land sales; it provided him with a chance to try out one of his projects. The American experiences of his youth had matured his political philosophy and had also given him decided ideas on slavery. Abolition was a cause to him from then on ; in fact, he was so eager to hasten the day of freedom, that he purchased a plantation in French Guinea. At La Belle Gabrielle,

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<sup>42</sup> Leon County Deed Book B, p. 54. LaFayette to George Graham, September 2, 1828

<sup>43</sup> Graham to LaFayette, June 22, 1825. Records of the Public Land Office, Miscellaneous Letters, 56, p. 218

<sup>44</sup> LaFayette to Duval, May 30, 1833. Leon County Deed Book D, p. 23

<sup>45</sup> *Niles Weekly Register*, 36, p. 181, May 16, 1829

near Cayenne, he and his wife had set about preparing the negroes for gradual emancipation.<sup>46</sup>

During his visit to the United States, the growth of the plantation system had been a disturbing sight and in Florida he saw an opportunity of establishing a free community. As he wrote Call, "In those parts of the country where the plague of slave labor has been entailed by Great Britain, I know the difficulties that offer to the planter whatever be his losses, his regrets, his anticipations-But wherever the southerners under a climate, upon a good soil, with suitable free, white, and on the whole cheaper labor, can in that manner obtain additional wealth, strength, and population, I cannot think why they should not continue the opportunity."<sup>47</sup>

The "free, white, and on the whole cheaper labor" which was to bring wealth to Florida was to come through European immigration, preferably from a climate similar to that of the Territory. These settlers, who were already looking for an escape from the hardships of Europe, would not establish cotton plantations but would devote themselves to the cultivation of vineyards, olive groves, mulberry trees and silk worms as they had done in Europe.

However Utopian this dream may have been, LaFayette himself took it seriously and it aroused at least the passive support of Call and others in America. In 1831 a colony actually reached Florida from France armed with seeds, cuttings, and tools but pitifully unprotected against the hardships of hewing a settlement out of a semi-tropical wilderness in mid-summer.

Only one description of this venture can be found

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<sup>46</sup> Whitlock, *LaFayette*, I, p. 296. La Belle Gabrielle was lost to the Lafayettes during the Revolution.

<sup>47</sup> LaFayette to Call, January 1 (1827?) found in the manuscript of Call's journal.

although mention is made in numerous other sources.<sup>48</sup> According to this report, the colony consisted of some fifty to sixty Norman peasants led by three old friends of LaFayette whose fortunes had fallen on rocky paths and needed to be retrieved. They arrived in March, 1831, and located on a bluff overlooking Lake LaFayette.

In spite of the excellent soil and the generous grants of land the enterprise did not prosper, and at the end of three months only fifty acres had been cleared. The difficulty seemed not to be the quality of the settlers but the fact that they were unable to stand the ravages of the climate. No physician had come with the party, with the result that the maladies of the settlers were not properly attended. The crowning discouragement was not due to local hardships, however, rather it was the discovery that the deeds giving land to the settlers had not been properly certified by the United States Consul and were, therefore, void. Gradually, the colony began to break up. Most of the survivors returned to France or went on to New Orleans ; a few remained and, with the aid of Prince Murat, Call, and others, made a living, if not on the LaFayette lands, at least in or near Tallahassee.

LaFayette never sent another colony to America but, from time to time, various Frenchmen came to Florida, frequently due to his encouragement. These, together with the remnant of the ill-fated settlement, gave a certain foreign flavor to the life of the Territory's capital.

Not long after the fiasco on Lake LaFayette, the

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<sup>48</sup> This account is in a series of articles entitled *Reminiscences of Early Tallahassee* found in the *Weekly Tallahasseean* of December 8, 1886. The account of the events here related are largely obtained from the traditions and stories of pioneer settlers and are liable to considerable error. Because it is the only narrative of the situation, however, it has been used rather freely.



township attracted the attention of three pioneer planters and land speculators, W. B. Nuttall, Hector W. Braden, and William P. Craig.<sup>49</sup> Their idea was to purchase the available township at a flat sum payable in ten years and market it during that period. If the expected rise in land values occurred, a handsome profit could be realized.

This project required the special consent of LaFayette as, so far, he had allowed only half of the township to be put up for sale.<sup>50</sup> Some of his friends wrote him of the offer, apparently urging his acceptance in spite of the fact that the amount offered fell short of his expectations. Obviously disappointed at the price, LaFayette yielded to the inevitable pressure of his debts and allowed all but a small part of his property to be sold. As he wrote his friends ; "I am determined in honor to the gift and in compliance with my own feelings, to remain in possession of a part of the land. I had contemplated to retain several sections but will be content with one and a half, a little more than three hundred acres for each of my children after me, provided that share is selected near the city on the most pleasant and promising spot."<sup>51</sup>

Armed with this authority Colonel R. W. Williams, his agent, concluded the deal with Nuttall, Braden, and Craig, November 18, 1833. By its terms, the General

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<sup>49</sup> William B. Nuttall was the owner of El Destino, one of the well-known plantations of the Tallahassee region. Both he and his partners played influential roles in early territorial days even though there were those who questioned the soundness of their ventures.

<sup>50</sup> Power of attorney from LaFayette to John S. Skinner. Leon County Deed Book C, p. 514. George Graham, the Commissioner of Public Lands, had been LaFayette's first agent. At his death, his successor in the Land Office had received similar authority with permission to substitute a deputy in Florida. Skinner had chosen Colonel R. W. Williams of Tallahassee June 4, 1832.

<sup>51</sup> LaFayette to Duval, May 30, 1833. Leon County Deed Book, D. p. 23

bonded himself to the sum of \$100,000 to deliver "a good and perfect title in fee simple" to 26  $\frac{3}{4}$  sections of the township upon payment to him or his heirs of \$46,520 on or before January 1, 1844, with 7% annual interest.<sup>52</sup> Of the remaining 9  $\frac{1}{4}$  sections of the township, two quarter sections had already been sold and two other tracts, of one section each, spoken for.<sup>53</sup> This left 6  $\frac{3}{4}$  sections in the hands of LaFayette and his heirs instead of the 1  $\frac{1}{2}$  requested, a fact which cannot be explained from the records unless one admits the probability that numerous claims existed at the time which were not substantiated.

The marketing of such a large tract was ambitious even for the optimistic Florida speculators and it is not surprising that they set up a series of checks on each other. They agreed to share equally all profits and to be equally bound for the amount of the principal and interest, and penalties were fixed to insure punctuality of payment by each of the partners. In the words of the contract, "it is agreed between the several parties that if either or any two of the said parties . . . should fail to pay his or their portion of said interest for a period of three months after the same shall become due, the other party or parties shall be entitled to demand and receive from such delinquent or delinquents in addition to his or their respective amounts of interest then due 12  $\frac{1}{2}$ % on such amount or amounts, and if they should delay the payment of such interest for twelve months after the same shall have been due they shall pay 25% in addition to the amount due by them as interest."<sup>54</sup>

<sup>52</sup> General LaFayette to W. B. Nuttall, Hector W. Braden, and William P. Craig. Leon County Deed Book D, p. 20.

<sup>53</sup> Section 15 belonged to John McKee, and Section 8 to Isadore Inardine, a Frenchman. The quarter sections had been sold to John Caruthers and Edward Doyle. Leon County Deed Book, C, pp. 530, 615, and E. p. 659 and K, p. 321

<sup>54</sup> Memorandum of Agreement between Nuttall, Braden, and Craig, November 18, 1833. Leon County Deed Book D. p. 22

Later, May 28, 1835, a new agreement between the partners provided that three sections of land should be allotted to each, the remaining lands continuing as a joint possession. The worth of these holdings was to be determined by an abstractor and any difference in value was to be equalized from the proceeds of the lands held in common.<sup>55</sup> Each partner was "in penal sum" of \$20,000 to the others to carry the agreement into effect.

Notwithstanding these precautions, the Nuttall, Braden and Craig venture travelled a rough path. Nuttall died in 1836 leaving his affairs in such a wretched state that years of litigation followed and his portion of the LaFayette township was sold for his debts.<sup>56</sup> On January 12, 1838, the partners sold the entire concession to the Union Bank for \$29,476.24 and turned over the bonds for purchased lands which aggregated \$25,996.24. Before long, the bank, which had had a dizzy career, crashed but, fortunately for the LaFayette heirs,<sup>57</sup> all the bonds, notes, and securities realized from the land sales had been transferred to Williams upon trust that he should collect the same and apply it to the extinguishment of the debt.<sup>58</sup>

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<sup>55</sup> Agreement between Nuttall, Braden, and Craig, May 3, 1835. Leon County Deed Book, E, p. 402. The sections 25, 35, 36 allotted to Nuttall were of less value than those taken by Braden and Craig for after Nuttall's death, the partners gave his widow, Mary W. Nuttall \$1,000 apiece to equalize the value of the three holdings.

<sup>56</sup> Francis Eppes vs. LaFayette Heirs. Records of the Circuit Court of Middle Florida, File 410. The land was sold to W. H. Brodie in 1838. Nuttall's debts were estimated at \$45,000.

<sup>57</sup> LaFayette died May 20, 1834. His heirs were his son and wife, and two daughters and their husbands.

<sup>58</sup> For agreement between the partners and the Union Bank, see Agreement between Mary W. Nuttall, Hector W. Braden, and William P. Craig and the Union Bank, January 12, 1838. Leon County Deed Book E, p. 452. For the record of the transfer to Williams, see Francis Eppes vs. the LaFayette Heirs, Petition of Eppes to the Court, July 27, 1855. Records of the Circuit Court of Middle Florida, File 410

When January, 1844, arrived, final payment of the \$46,520 was not possible as the condition of the country was such that concessions had to be made to the purchasers or the lands sold at a heavy sacrifice. Gradually, adjustments were worked out and by 1856, Williams was able to state that enough had been collected to discharge the obligation to the heirs.<sup>59</sup> The previous year, the last of the lands originally retained by the LaFayette family were sold.<sup>60</sup>

Thus ended the long and varied history of LaFayette's township, for although the name will always linger over the region, the family had no further connection with the land. For twenty-four of its thirty-one years of existence, R. W. Williams had been its steward. Only once was a LaFayette in Florida, namely, in 1850 when Edmond de LaFayette and Ferdinand de Lasteyrie, grand-sons of the Marquis, visited the United States and came south to confer with Williams. The charm of the name still lived, however, for the gentlemen were enthusiastically welcomed and the General Assembly voted Edmond de LaFayette "the hospitalities of the State" and invited him to a "seat within the bar of either house".<sup>61</sup>

No story of the LaFayette township would be complete without some statement concerning the amount realized by the family from their holdings. To the student of territorial land values in general, and especially those of Florida, the variations in price from 1825 to 1856 would provide interesting research, but such a study is not possible here. According to the tale of the deed books, LaFayette and his heirs re-

<sup>59</sup> Francis Eppes vs. LaFayette Heirs, Answer of R. W. Williams to the Court, 1856. Records of the Circuit Court of Middle Florida, File 410

<sup>60</sup> LaFayette Heirs to William Bailey, March 1, 1855. Leon County Deed Book L, p. 29

<sup>61</sup> *Journal of the Proceedings of the Senate of the General Assembly of the State of Florida*, pp. 23, 36, 153-155

ceived \$102,722.90 for the lands between the dates given above. Due to the intricacies of many, in fact most, of the transactions it is possible that compromises may have been privately reached which lowered the returns officially recorded. Although \$103,000, roughly speaking, was considerably less than the \$150,000 to \$200,000 at which the General's friends valued his property, it was a handsome donation and, together with the \$200,000 in stock, placed the value of America's last gift to LaFayette at a generous quarter of a million dollars.

KATHRYN T. ABBEY

*Florida State College for Women*

## LETTERS OF JAMES INNERARITY

THE WAR OF 1812

Nassau 14th July 1812

Alexander Gordon Esq

It is unnecessary to detail to you the various causes that retarded my arrival at this place until the 30th Ultio when my regret at learning your departure for England was in some measure alleviated by your esteemed favor of the 8 June which our mutual friend Mr. Forbes put into my hand

Had I fortunately arrived here previous to your departure I should certainly have troubled you with a memorandum of articles wanted for the W. Florida Market. As these, however, are chiefly confined to Blankets & Coarse Woolens they could not now arrive in time to be disposed of during the present season. The situation of that Country is also somewhat critical, & may be such as to render it desirable to have as little property of a destructible nature there as possible. The news that has come to this place since my arrival renders me not a little anxious on the latter point. It remains, however to be seen if the Congress will declare war also against Spain, & I still have some faint hopes to the contrary. I have written my friend, Uncle, & ci-devant Tutor Mr. Craik a long letter on the subject of Mr. Panton's Estate <sup>1</sup> which he will probably shew you if at the time of its arrival you should be in that Country. I have (from

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Note-These letters are in continuation of the series of documents, survivals of the records of Panton, Leslie & Co. preserved by the family of John Innerarity, a partner of that firm, the publication of which will be continuous in the QUARTERLY. These are in the possession of Mrs. John W. Greenslade, who has transcribed them.

<sup>1</sup> This letter will appear in an early issue of the QUARTERLY.

fear of its falling into improper hands) touched but slightly on the matter that forms the principal subject of yours to me. You can, however, explain it to him more fully. My opinion respecting it has been somewhat altered since my arrival here by the perusal of a letter shewn me by Mr. F. (& which he had not an opportunity of shewing to you from the hurry you were engaged in previous to yr. departure) discovered by him in St. Augustine, written by W.P. [William Panton (?)] to yr. Uncle in which is the paragraph following.

After mentioning some disputes [?] & political misunderstandings that had arisen between McGillivray & our Western Governmt. he says : "In the meantime he has very formally resigned not only his Commission, but also all manner of right or pretension to the share of profit which you know I allotted to him for his trouble in conducting our business in the Nation. I consider this act as proceeding from his love of us, and seeing himself in disgrace imagine that our interest might be injured even from the report of his being one of the Commission. I have therefore, taken no manner of notice of the thing to him, or indeed to any one else, & shall continue to use my best offices to get things restored to their ancient footing". This letter is dated 20 November 1788.

The long pending question to whom shall the Floridas belong? appears now on the point of decision, until that takes place the plan of importing Highlanders to the Appalachicola cannot be resolved on. It is one that I much approve of, but if the Country remain to Spain, I apprehend the permission of the Cortez, or at least of the Capt'n Genl. of Havannah would be necessary. If it passes into the hands of the U. S. there will be no obstacle to the settlement, and we must then set about it with energy. A more cor-

rect plan of the land, including the two Cessions, is now here. The former one which gives a good general idea of it will be sent home in yr. Schooner Swift--to your address. Upwards of 30,000 acres have been laid off in Sections for Sale on the West bank of Wak-hulla, from Kinnaird's place to the Sea.

My Brother desired me to make his Compliments & excuses to you for not writing, as he was at the time of my departure much occupied. I remain with true esteem, My Dear Sir,

yours very truly

JAMES INNERARITY

Nassau 31 July 1812

Dear Sir

I have nothing at present to add to the above, except that in consequence of the receipt of President Maddison's declaration of war, & the outrages committed by the American troops & patriots in East Florida, of which province they still keep possession, I mean to turn my face homewards in the course of the ensuing week. As soon, however, as things begin again to move smoothly which I hope will be in the course of a few months, say by December or January, I propose doing myself the pleasure of taking you by the hand in this place, & meantime am as before-J.I. [James Innerarity]

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Nassau 27th July 1812

[To ..... Craik, Esq.]

Dear Sir,

Only three days ago we received information of the American declaration of War, in consequence of which I shall return immediately to W. Florida, which it is



no doubt the intention of the U. S. Government to seize, as they have done E. Florida, both provinces having long been objects of their ambition. Our firm will in consequence as British Subjects be placed under arduous circumstances, particularly in regard to Real property, which after a certain period that will no doubt be allowed for its disposal, it is probable we shall no longer be allowed to hold, and shall have no other means of securing from an escheat to that Governmt. but by one of our members becoming a citizen of the U. S. and sheltering the whole under his name.

The Appalachicola lands are in the same predicament; whilst we continue to manage them as representatives of the deceased partners we shall do the best we can for their preservation. To place them under the name of a third person, however, (which must be done by a formal Sale) is what we would not venture on without further authority from the Heirs, nor is there indeed in that Country anyone out of our own Connection, whom we would trust in so momentous an affair. Nothing, however, will be done hastily in our own Concerns, and you & the other heirs of the deceased partners will have time to consult together on the plan you may think best to pursue.

Allow me, however, to mention that which appears to me the most proper-It is that seeing your distance is so great as to preclude you from acting on an emergency I would recommend that the heirs of Mr. Panton & Mr. Leslie, in so far as they may each be concerned, name Mr. John Forbes, who will be here, or in Florida, their Attorney in this particular case, granting him power to make a bona fide sale, or with reference to the Contingency mentioned, to place the lands under the name of a third person by such deeds as may be necessary for that purpose, and for the Security of the lands: giving him also power to name an attorney, or

attorneys under him, for the same purpose. Should the Leslie family object to this power to Mr. Forbes alone, they may appoint any other they please to act with him, jointly, or Separately, -No time however, ought to be lost coming to a determination and communicating it.

In conformity with what I wrote you on the 11th I shall leave a letter of instruction with Mr. Forbes to buy in Mr. Pantons third share of the Houses, & Lots belonging to the Estates in this town (advertised for Sale on the 18th August) in my name, but for account of our general family connection, provided they do not advance beyond a certain low value. I do this, as well in consequence of your wish expressed in your letter to Mr. F. of 25th March, "that no part of the property should be sacrificed," as of my own sense of the propriety of the step.

Nevertheless if you & the heirs do not see proper to approve it, I shall be content to take the purchase really on my own account, & be responsible for its amount. Only I must request that the heirs be pleased to notify their assent, or dissent by the first occasion. As, in case of their disapproving the measure I must again bring the property to Sale without loss of time, to enable me to make good the value. I remain ut ante  
-J.I.- [James Innerarity]

## SLAVERY IN EAST FLORIDA, 1776 TO 1785

Despite the fact that East Florida remained loyal to the British Crown, or rather on account of that fact, the status of slaves in the province was somewhat raised by the War of the American Revolution, and in the course of the conflict their numbers, like those of the loyalist refugees, were greatly increased. The first indication of the new importance given to the slaves appeared early in February, 1776, when Governor Patrick Tonyn urged in his Council that the inhabitants be ordered to report to the commandant, Major Jonathan Furlong, the number of their slaves who might be entrusted with arms should the need arise.<sup>1</sup>

Another exigency that gave added significance to the institution of slavery in Florida during this period was the stoppage of supplies from the provinces that were in rebellion, except in so far as such supplies and other portable property could be brought in from Georgia by small marauding parties. This was going on continually across the northern boundary, an important part of the booty being slaves, cattle, and horses. But the Georgia rebels were as adept at that sort of warfare as were the Florida loyalists, and by means of privateers extended their depredations as far south as New Smyrna. Even a Spanish privateer was now and then successful in plundering plantations on the east coast. At the end of August, 1778, a privateer entered Mosquito (now Ponce de Leon) inlet and carried off thirty negroes. Such operations reduced, however slightly, the ability of the province to raise its

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Note—This article is in continuation of *Slavery and White Servitude in East Florida, 1726-1776*, which appeared in the *QUARTERLY*, July, 1931.

<sup>1</sup> Siebert, *Loyalists in East Florida*, 1774-1785, I, 33.

own provisions, besides depriving the owners of valuable productive property.<sup>2</sup>

Civil strife between the Whig and Tory parties and the enforcement of test acts under the penalty of expulsion in Georgia, and the Carolinas in 1778 and 1779 were responsible for the flight of about eight thousand loyalists to East Florida in those years. Most of these refugees seem not to have been accompanied by their slaves, doubtless because they were not allowed to take their human chattels with them. However, Benjamin Springer of South Carolina appears to have done so. He first joined the British troops in Georgia, and was thus enabled to pass into Florida in 1779. There he acquired two tracts of land of five hundred acres each. On one of these, near the Twelve-mile Swamp, he put forty working slaves by whose labor he erected huts and other buildings, cleared a score or more of acres, and fenced and planted a rice field.<sup>3</sup>

In May, 1779, General Augustine Prevost marched with a force from Savannah up to Charleston in the hope of taking that place. On the way he was joined by swarms of negroes. Fearing to lay siege to Charleston, he occupied Johnston's Island with part of his troops, leaving Lieutenant-Colonel John Maitland and a garrison at Stono Ferry. In June Maitland evacuated his post, and took only a part of the negro refugees with him. However, large numbers succeeded in reaching Otter Island, where hundreds died of camp fever and exposure. But three thousand survived and were transported in part to Georgia and in part to East Florida. Sooner or later they were shipped to the West Indies and sold.<sup>4</sup>

The public utility of slaves in East Florida was dis-

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<sup>2</sup> *Ibid.*, I, 66, 60.

<sup>3</sup> *Ibid.*, II, 223-227.

<sup>4</sup> *Ibid.*, I, 76-78.

covered in another connection as early as the spring of 1777, although it may not have been taken advantage of at that time. The fortifications at St. Augustine were then in need of repair, and Chief Justice William Drayton offered twenty-two of his negroes to help perform the work. However, late in September, 1779, Lieutenant-Colonel Lewis V. Fuser, then in command of the garrison of two hundred men undertook to make extensive repairs. To do so he employed half of his little force, and requisitioned three hundred slaves belonging to the inhabitants.<sup>5</sup> This example was followed three times during the year 1781, when East Florida was in grave danger of invasion by the Spaniards during or after their successful siege of Pensacola. Late in February by request of Lieutenant-Colonel Beamsley Glazier and the military engineer the Council authorized Governor Tonym to call on the inhabitants for one hundred slaves to work on the fortifications. Four months later the General Assembly passed an act empowering the Governor to obtain the services of enough negroes to complete the works, the number asked for by the military authorities being two hundred. With the consent of the Council Tonym immediately demanded from the people one-tenth of their working negroes for a period of six weeks. At the end of that time, however, the task remained incomplete, and a request was made for one hundred and fifty hands. Accordingly early in November a resolution of the Council enabled the Governor to call out for one month slaves enough to constitute one-fifth of the working negroes of the inhabitants.<sup>6</sup>

Late in April, 1781, the Commons House of Assembly undertook to formulate a new slave code, which should provide for the better management "of negroes

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<sup>5</sup> *Ibid.*, 63, 79.

<sup>6</sup> *Ibid.*, I, 88, 94, 96, 99.

and other slaves" and to prevent their being stolen from their masters and employers. In due course the bill was sent to the Upper House or Council, which amended it in various respects and passed it on June 6, but failed to return it. The Commons House waited impatiently until July 25, and then voted to transact no further business until the negro bill should be returned. This action brought a statement from the Upper House that it was ready to give up all its amendments but one, namely, that providing for the protection of the law and security of life and limb for slaves who might be tried for capital offenses. It would not consent that justices of the peace should have jurisdiction over such cases, demanding that the culprits be tried by jury in the general court at St. Augustine. It maintained that this procedure was in keeping with the principles of humanity and with English law and would protect the interests of the owners. The Commons House argued that the proposed procedure would involve delay and expense by requiring that the culprit and witnesses be taken to the capital.

The Upper House defended its position in a set of resolutions and presented an address to Tonyn in which it ascribed to the Commons House the assumption of the exclusive power of legislation. The two houses also exchanged messages, but were unable to effect a compromise. In September the Governor prorogued them for a month, and then dissolved them on November 12. In January, 1782, a new Commons House was elected. This did not change the situation, for as Tonyn predicted the members of the old one were returned. Meanwhile, the Governor had written to inform the Board of Trade of the bone of contention between the two houses. Its reply, dated February 22, was decisive. It called attention to the fact that trials of slaves before justices of the peace and a jury of the vicinage

were customary in other provinces, and that. the inconvenience of holding trials at St. Augustine seemed "insuperable." It therefore recommended that the Upper House yield its point, and consent to vesting justices of the peace with authority to try slaves in capital cases. As finally enacted the new slave code empowered justices of the peace, or any three of them, to try such cases before a jury. At the end of May, 1782, Tonym signed the code.

The provisions of this code are of sufficient interest to warrant a summary of them. The code related to both negro and Indian slaves, and declared that the power of persons having charge of them should be regulated by positive law so that the slaves themselves might be kept in due subjection and the owners or other custodians might be restrained from treating them cruelly. The offspring of slaves were to follow the condition of the mother. For negroes claiming their freedom guardians might be appointed on the application of the persons seeking such guardianship to the chief justice or other justices of the general court. Guardians might bring actions against persons in possession of, or claiming property in, their wards, and a jury was to assess the damages sustained. However, in case judgment should be given for the defendant the court would inflict corporal punishment on the ward.

On sworn information by a free white person before a justice of the peace, or on any other creditable information before him, that a slave had been wilfully murdered, maimed, or tortured, the justice was to issue a warrant for bringing the accused before him. If he was found to be guilty he was to be committed to jail to remain in close custody until delivered by due course of law. The guilty party might take bail with two suf-

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<sup>7</sup> *Ibid.*, I, 96-100.

ficient sureties in the sum of 50 for appearance at the next general court. If convicted of maiming or torturing the slave to the extent of murder, in case the victim died within a year and a day, he should pay a fine not exceeding 100 and be imprisoned in the common jail for a term not exceeding twelve months.

Any person having a slave unfit for labor by reason of sickness, age, or misfortune must support him. Owners neglecting or refusing to do so would be fined 100 sterling. To prevent slaves from running away every one found within the limits of a town, or off the plantation where he was usually employed or who lived without a ticket or letter signed by the master or other person in charge of him might be stopped by a white person and carried back to his owner or employer, or delivered to the nearest constable or warden of a work-house, whence he might be returned to the employer or owner on payment of the charges involved in apprehending and keeping him.

If a white person bought any article from a slave without the consent or ticket of his owner or overseer, or bartered anything, under the condition mentioned, he must pay a fine of 5 sterling levied by a justice of the peace. If a negro was guilty of purchasing from or bartering with a slave the justice was to impose corporal punishment not extending to life or limb. The confession of a slave, or proof given by another slave, to the owner or overseer should be accepted by the magistrate as sufficient evidence.

Any person stealing or carrying off a slave, or hiring or encouraging any one to do so, or aiding a slave in running away from his master's or employer's service, or giving a ticket or pass by means of which the slave might depart, was guilty of a felony. If convicted thereof and refusing to answer to the indictment, or challenging more than twenty of the jury,



he was to suffer death and be excluded from benefit of clergy. Any person giving a ticket or licence to a slave who was the property or under the care of another, was to forfeit to the owner 5 sterling in addition to the damages accruing to him by the absence of the slave.

Any person who without sufficient cause in the opinion of a justice of the peace, had beaten and disabled a slave employed in the lawful service of his master, overseer, or other person was to pay not exceeding 5 sterling for every offense in addition to damages to the treasurer in aid of the general tax. If the slave had been disabled the offender was to forfeit to the owner or his attorney not more than 3s. a day during the time lost and pay for the cure of the injured slave. He must also pay the owner for the damage done.

Any person maimed or disabled in pursuing or taking a fugitive slave, or one charged with a criminal offence, was thereafter to receive annually from the treasurer of the province during residence therein a specified sum.

When a complaint or information of an offence committed by a slave within the province was received by a justice of the peace, he was to commit the culprit to the workhouse, and by warrant give notice to the two nearest justices to associate with him, and to summon eighteen free white men of the neighborhood. Twelve of these were to be drawn by ballot as a jury to pass upon the offender. Within twelve days after the commitment the jurymen and justices were to assemble, and the slave was to be brought before them. They were to hear the accusation, and the accused might challenge as many as six of the jurors without showing cause. Further, if he desired to have any free white man of the district where the offense was committed present the justices must notify the latter,

so that he could attend in case he thought fit. However, he must take an oath to try the prisoner impartially and give a true verdict according to the evidence. The slave's defence must be heard, the witnesses examined, and the matter determined in the most expeditious manner. In case the offender was found guilty of a crime not capital the justices, or any two of them, were to give judgment inflicting punishment not extending to life or limb, and cause execution accordingly. However, in case the offender was convicted of a capital crime they must suspend execution until they had submitted a full report of the case to the Governor and had learned his pleasure.

The evidence of a free Indian or negro or of a slave without oath was to be allowed in all cases against free negroes or Indians, who were to be tried by justices and free white men in like manner as slaves.

In case of the commission of a crime by a slave within the province, which by the laws of England or East Florida was a felony for which the penalty was death, the offender being duly convicted was to suffer that penalty.

The following offences that might be committed by slaves, free negroes, and Indians were specified as felonies without benefit of clergy, for which the penalty was death: the burning or destruction of stacks of rice, corn, or other grain, kilns, barrels of pitch, tar, turpentine, resin, or other products of the province, or the malicious poisoning of free persons or slaves. Any slave guilty of the homicide of a white person, except by misadventure or in defence of his master or other person in charge of him, and any slave attempting to raise an insurrection, together with his accomplices, were on conviction to suffer death as in cases of petit treason.

To discourage the concealment of a slave's crime

by the owner to the prejudice of the public welfare the valuation of one executed was to be made by the justices and the jury and certified to the treasurer of the province, who was to pay the sum to the owner if it did not exceed 30 sterling.

Constables' fees were as follows : for whipping or other corporal punishment 5s. and for punishment extending to life 10s. In punishing an offender a constable might press one or more slaves of the neighborhood to inflict it under penalty of twenty lashes on the bare back for refusing to do so. The owner of the slaves pressed by the constable was entitled to 2s.

It was unlawful for any slave, except in the presence of a white person, to carry or use firearms or other weapons, unless he had a written permit from his master or overseer to kill game, cattle, mischievous birds, or beasts of prey, or was in the company of a white person sixteen years of age or older, or was engaged during the daytime in killing birds on the plantation where he belonged and lodged the gun at night in the house of his master or white overseer. Any person finding a slave with a weapon contrary to the intent of this act might take it from him, but within the next forty-eight hours must make oath before a justice of the peace as to the seizure. Having satisfied himself about the propriety of the deed and summoned the master or overseer to show why the weapon should not be forfeited, in case cause was not shown the justice was to give the seizer a certificate of ownership.

If any planter, farmer, lumberman, maker of naval stores, owner of a cow pen, or other person employing upwards of ten working slaves in the country without living there did not keep a white person above sixteen years of age on the place at all times, and refused or neglected to do so, he was on conviction before a justice to pay 50s. for every month of non-compliance.

Any slave found out of his usual place of abode after ten o'clock at night without a permit or a light, was liable to be taken to the workhouse, or other place of confinement, by any householder, planter, or overseer, and the warden must give immediate notice to the owner or manager of the slave if he lived in St. Augustine, but if not the notice was to be given as soon as convenient. If the slave was at fault he was to receive nineteen lashes, but if the owner or manager he must pay 2s. 9d. besides the warden's fees before the slave was released.

If any slave, or free negro, presumed to strike a white person the offender was to suffer for the first offense such punishment as the justices and majority of the jury should think fit, not extending to life and limb, and for the second offense death, unless some mitigating circumstance was found. In that case the punishment was to be specified by the justices and the jury. But if the assaulted person had been grievously bruised or wounded the offender on due conviction was to suffer the death penalty even for the first offence, provided the injury had not been inflicted by command of the owner or manager of the slave or in defence of him or his property. In this case the slave was to be excused and the owner or manager was to be answerable.

No owner, or master, of slaves after the passage of this act was to permit any of them to walk out without a written permit under pain of paying 30s. to the treasurer of the province for every offence.

Every person employing a slave without a ticket from the owner was to forfeit to the informer 15s. sterling for each day of the time of employment, not counting the slave's wages.

In order to distinguish free men from slaves every free Indian or negro was to wear on the left arm a

silver badge bearing his name and the word "free." If found abroad without the badge it was lawful for any inhabitant to inform on the offender to a justice of the peace, who was to issue a warrant for bringing him to be fined 5s. in addition to the charges for apprehending him. In case the offender did not pay the sum he was committed to jail for fourteen days.

The act was to continue in force during the term of two years and to the end of the next session of the General Assembly, and no longer. This provision made it effective to the end of May, 1784.<sup>8</sup>

One may think of this new slave code as a measure necessitated by the war through the bringing into East Florida of large gangs of slaves by their masters and the shipment of hundreds of others from South Carolina. The latter had been campfollowers and were masterless. Haling from belligerent areas, these newcomers constituted a dangerous element and were exported as soon as possible to the West Indies. That was not, true of a considerable body of slaves brought in by James Hume from Georgia, where he had been a former member of the Council and acting attorney general. Expelled from that province in 1776, he had gone to England from which he returned about two years later with the appointment of chief justice in Florida. In April, 1780, he arrived at St. Augustine. In June, or July, he bought the former estate of William Drayton, four and one-half miles from St. Augustine, with its buildings and parks. On this Oak Forest estate Hume had sometimes twenty slaves, who made canals, planted hedges, built negro houses, and set out thirty-five hundred orange trees and numerous other fruit trees of various kinds. Mr. Hume also owned the Cypress Grove estate of twenty-five hundred acres on Six-mile Creek, on which he placed one

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<sup>8</sup> Public Record Office, Colonial Office, 5/624.

hundred and five slaves early in 1783. Of these, seventy appear to have been workers. They cleared twenty acres for rice, ten for Indian corn, erected several new buildings, and boxed thirty-two thousand trees for turpentine. On another turpentine tract, numbering only three hundred acres, he put twenty-five negroes.<sup>9</sup>

In November, 1781, a much smaller gang of slaves than Chief Justice Hume's arrived from South Carolina. They were the property of Major John Harrison, who sent them under the care of David Drenning. They were employed on a tract of two hundred acres on the north side of St. Johns River six miles from the Bluff. When Major Harrison arrived about a year later he found the land promising, and bought seventeen more negroes. They prepared fifteen or twenty acres and fenced double that number for planting, but the best working slaves cut lumber and shingles. In October, 1783, Major Harrison abandoned his settlement and removed his slaves to St. Augustine.<sup>10</sup>

The slave code had been adopted none too soon and must have seemed a providential measure when Florida began to swarm with loyalist refugees and their slaves in the summer of 1782 on account of the evacuation of Savannah. by the British troops.

According to a report made for General Alexander Leslie, who was in general charge of the evacuation of the Southern states and transmitted the figures to St. Augustine, ten hundred and forty-two white people and nineteen hundred and fifty-six black ones left Savannah for East Florida. This gives a total of almost three thousand. However, some of the Georgians in Florida declared that their number was four thousand, white and black. In view of the fact that instances are known of the departure of Georgians in

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<sup>9</sup> Siebert, *Loyalists in East Florida, 1774-1785*, I, 80-81; II, 37-43.

<sup>10</sup> *Ibid.*, II, 141-143.

vessels which they chartered or bought, and in which they sailed before the military evacuation, one is inclined to believe that there is much probability in this estimate.<sup>11</sup>

Some of these Georgians transported large numbers of slaves to East Florida. For example, in July, 1782, Lieutenant-Colonel John Graham brought in two hundred and fifteen, of whom one hundred and forty were working negroes. He took up five tracts of land of five hundred acres each for himself and his four sons. On two of the tracts one hundred and twenty acres were cleared, and on one of them a large reserve dam was begun and ditches were dug for making a rice plantation. Buildings were also erected, including cabins for about sixty working negroes, besides the children. On two other tracts forty slaves cleared ninety acres, of which seventy were planted with provisions and twenty with indigo. Necessary structures were built, and a beginning was made in excavating ditches and drains. Forty more slaves were employed in forming another settlement, where sixty acres were cleared and planted with rice and provisions. In December, 1784, Graham's agent shipped all his slaves to Beaufort, South Carolina, where he could get a good price for them.<sup>12</sup> In August, 1782, Colonel Graham had transferred the fifty-three slaves of his brother James from Georgia and employed the forty workers in clearing, fencing, and planting part of a tract of five hundred acres and in cutting lumber.<sup>13</sup>

Rations were supplied by the government for the throngs of slaves from Georgia and for the larger throngs brought from Charleston during the closing months of 1782, as well as for the large numbers of

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<sup>11</sup> *Ibid.*, I, 106.

<sup>12</sup> *Ibid.*, I, 110-111; II, 76, 80, 82.

<sup>13</sup> *Ibid.*, II, 71

white people who came with them. To the refugee planters the item of free rations was a great boon, and prevented not only starvation but also other forms of catastrophe in Florida. By withholding subsistence for several months from the hundred and seventy-eight dependents of Colonel Elias Ball, a planter from South Carolina, Brigadier-General Archibald McArthur compelled him to consent to the removal from his place of a structure in which part of the garrison's gunpowder had been stored. Colonel Ball must have been put to a heavy expense by his stubbornness.<sup>14</sup>

In the autumn of 1782, two or three months before the evacuation of Charleston, plundered slaves of South Carolinians were finding their way or were being shipped to East Florida. Complaints and protests were made to General Leslie, who in turn attempted to prevent the deportation of such property from East Florida. Brigadier-General McArthur promptly replied that twenty-eight negroes, "mostly rebel property," were being returned to Charleston. In April, 1783, Dr. James Clitherall, a loyalist from South Carolina who was in Florida, was engaged in trying to recover slaves for their Carolinian owners. Orders had just been received at St. Augustine to make preparations for the evacuation of Florida, and Governor Tonyn felt very much aggrieved. He was in no mood to promote the restoration of plundered slaves until he knew that South Carolina and Georgia would restore the confiscated estates of the loyalists. Consequently he and his Council found ways of obstructing the reclamation of vagrant negroes. Gentlemen who had come from South Carolina found their slaves willing to return, but were not allowed either to certify to them or take them away. Dr. Clitherall even affirmed that Tonyn aimed at making a profit by con-

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<sup>14</sup> *Ibid.*, I, 122.



fiscating the slaves. A commissioner sent from South Carolina to St. Augustine to negotiate for the restoration of the negroes, was put on his parole at once and not permitted to write home. Colonel James Moncrief, the commanding engineer at Charleston at the time of the evacuation, is said to have transported the eight hundred negroes in the engineer and ordnance departments to Florida.<sup>15</sup> Numbers of the masterless slaves in the peninsula may have been liberated by the proclamation of some British officer. Various officers gave plausible excuses for carrying off negroes who had been their servants.

An enumeration at Charleston of December 13, 1782, shows twenty-two hundred and eleven blacks embarked for East Florida. But the report submitted to General Leslie increased that number by three hundred and fifty-two.<sup>16</sup>

An enumeration was also made in Florida covering arrivals from July, 1782, to April 20, 1783. This was the work of John Winniett, the commissary of refugees, assisted by a committee of two leading refugees from South Carolina and two from Georgia. The number of blacks according to their figures was eighty-two hundred and eighty-five. If we add to this the negro population of 1774, which Tonym said was three thousand, without even allowing for a normal increase during the following decade, the total is eleven thousand, two hundred and eighty-five, which was nearly double the white population in April, 1783.<sup>17</sup>

Some of the most common occupations of slaves in Florida have been already indicated in recounting the operation, of various planters in forming their settlements and in certain sections of the slave code. These

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<sup>15</sup> Siebert, *Loyalists in East Florida, 1774-1785*, I, 122-123, 115.

<sup>16</sup> *Ibid.*, 124-131.

<sup>17</sup> *Ibid.*,

were clearing the land ; fencing it; tilling and planting the soil with Indian corn and other grains, potatoes and various other vegetables ; planting and tending orange groves ; making dams and ditches on marshy ground for the cultivation of rice ; lumbering, which included sawing planks and boards, cutting pine and cypress shingles, making oak staves and barrel-hoops ; shaping hickory handspikes, etc. ; planting and cultivating indigo ; excavating and cementing rectangular vats about fourteen -feet long, eight feet wide, and eight feet deep for extracting the commercial indigo from the plant; producing "naval stores," which included boxing pine trees and collecting the sap for the manufacture of turpentine, building kilns and distilling tar from resinous woods, and making pitch and resin ; and tending cattle and caring for cow pens. Among the crafts practiced by slaves were those of house-building, carpentry, coopering, midwifery, weaving, and others. The list of exports from Florida suggest that plantation hands prepared raw hides and deerskins, cut mahogany, gathered logwood, *lignum vitae*, ginger, and sarsaparilla, made salt, grew a little sugar-cane and made molasses, and raised some tobacco.

The slave code stipulated the conditions under which slaves might hunt with firearms. No doubt they were given many opportunities to do so, and shared in the game they took. Governor Grant and some of his contemporaries speak of Indian corn as forming the staple of their diet, but this was certainly supplemented with yams or sweet potatoes, roast opossum, raccoon, wild turkey, and fried venison steak, to mention only the more common kinds of game for the table. Nothing is said about fishing in the slave code, because it did not involve the use of weapons with which humans might be shot. The presumption is that

slaves indulged in fishing whenever they were inclined to do so provided it did not inconvenience their masters or employers. As fish, turtle, oysters, and clams abounded in the waters of Florida, they must have supplied a part of the fare of those slaves who lived in localities convenient for obtaining them.

Contemporary documents contain little information about the housing of the slaves, except to mention the number of "negro houses" built in various plantation settlements. In some instances a dozen slaves or more would live in one house. Thus the thirty-five bondmen of William Chapman and his sons had only three cabins among them. In other instances the accommodations were more ample. William Watson provided eight houses for twenty negroes. John Imrie built six or seven for fourteen slaves. Robert Hope had seventeen framed houses with a boarded bed place in each for thirty-four negroes. Generally, however, the slave quarters were built of logs with board roofs. In St. Augustine also the slaves had separate dwellings. David Marran, one of the residents of the town who owned seven slaves, built for them a log house measuring twenty-four feet by sixteen feet. A few huts constructed of poles were the only quarters provided for slaves on the Florida shore of St. Mary's River, according to Oliver Whipple, who was sent in 1770 to the town of Arden on Amelia Island as customs officer. The population was so sparse and the prospect of collecting any revenue in that unfrequented port so poor that he left without asking permission after a short stay.<sup>18</sup>

In urging their claims after the Revolution for the lost labor of their slaves the Florida loyalists generally represented that their field hands were worth 10 a

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<sup>18</sup> Siebert, *Loyalists in East Florida, 1774-1785*, II, 220, 158, 163, 205, 206, 70; T. 1/482, f. 175.

year. However, one put in his claim at 20s. a month and another at 15 a year. General Robert Cunningham valued a field hand's labor at 2s. a day. This statement was confirmed by another claimant, who added that carpenters brought 7s. a day. Major Nicholas Welsh hired some negroes in April, 1783, at the rate of 1s. 2d. per day, but they proved to be rather worthless and ran away from him. The value of slave labor seems to have risen considerably during the latter part of the war when refugee loyalists were coming in rapidly and taking up lands for settlement. However, the tendency to rise must have been limited by the slaves who were being brought or shipped in in increasing numbers. Robert Payne stated that in 1778 the hire of a negro carpenter was 2s. a day and by 1783 6s. In the latter year that of a ship carpenter was 9s. Robert Robinson testified that the ordinary wages of negro carpenters were now from 7s. 6d. to 9s. per day. In August, 1782, Henry Robertson employed a negro carpenter to build a fence and paid him \$2 a day. In the spring of the following year he built a house on St. Johns Bluff. He hired two white carpenters at \$1.50 each, two negro carpenters at \$1 each and two negro helpers at fifty cents each, but he also supplied his workmen with provisions. Thomas Courtney paid as little as \$1 to each of two white carpenters, but admitted that they were not very good ones.<sup>19</sup>

The data given by East Florida claimants regarding their slave property is so limited as to prevent one from making a study of the actual prices of slaves at different times during the Revolutionary period. William Chapman and his sons report that in 1774 and 1775 they paid at the rate of 55 each for thirty-five negroes. One finds in the schedules of losses considerable differences in valuations. One may assume, gen-

<sup>19</sup> *Ibid.*, 11, 142, 183, 78, 72, 134, 206, 7, 8, 10, 23, 21, 31.

erally speaking, that these were high, as they were claims for compensation. An added difficulty is found in the fact that in many instances nothing is told about the age, sex, or occupation of the slaves. One claimant puts in four negroes at 25 each; another, twenty-eight at about 35 each; still another, one male slave at 45; another specifies seventy-seven field hands at 50 each; another speaks of nine valuable slaves, well worth 50 apiece; in a few cases male slaves are valued at 60 each and in one instance one is charged at 80. One expects that craftsmen will be listed at high figures, and one is not disappointed. A young negro carpenter, twenty-seven years old, is valued at 100; and another carpenter, who is also a cooper, at the same figure, while a field hand and sawyer is priced at 70. A "compleat servant" is also rated at 70, and a house wench, who served both as cook and washer-woman, is valued at 60. In the case of nine slaves, who died during their removal from Florida to New Providence, Jamaica, and the Bahamas, a scale of ratings appears, namely, for "a young fellow" 56, for a man forty years old 50, for a woman of forty 40, for a boy of ten 30, and for an old woman 15. In another list two slaves are valued at 50 each, two negro men at 40 each, a woman at 40, and two children at 15 each. Denys Rolle stated that "a compleat cooper" was worth \$150.<sup>20</sup> The total valuation of three hundred and eighty-three slaves belonging to various Florida claimants was about 17,750, which averages close to 46. However, one should not forget that the slave code, which was adopted at the end of May, 1782, that is, before the great influx of slaves, allowed only 35 to be paid to a master for the loss of a slave who was executed for a crime.

<sup>20</sup> Siebert, *Loyalists in East Florida, 1774-1785*, II, 217, 102, 125, 116, 292, 224, 188, 201, 66, 134, 229, 230, 283.

The arrival of the news of the recession of East Florida to Spain in the spring of 1783 produced a general turmoil among the inhabitants of the province, and from then until practically the end of the evacuation small bands of white men ranged through the country for the sake of the booty they could carry off. Slaves and horses seem to have been the principal objects of their depredations. How many negroes fell a prey to these "banditti" is not known, but the number seems to have been considerable. Henry Ferguson had five stolen from him, four of them about March, 1784. Three field hands belonging to James Scotland were abducted in St. Augustine at the beginning of 1785. In the following March three slaves were enticed from Alexander Paterson by some of the Greek colonists, who had formerly lived at New Smyrna. In July a negro of Peter Edwards, who was waiting for embarkation on the beach of St. Marys River, was carried into Georgia. In September seven slaves of John Fox also disappeared from St. Marys shore, either through theft or flight.<sup>21</sup>

After the Spaniards took possession of East Florida in the summer of 1784 the banditti received a measure of protection from Governor Zespedes, despite the vigorous protests of Governor Tonyn. Another cause of difference between the British Governor and his supplanter was a ruling contained in a proclamation issued by Zespedes early in August, 1784, namely, that every negro who was without a certificate of manumission would become the property of the Spanish Crown in case he failed to procure within twenty days a permit to work. Zespedes explained that this clause referred only to vagrant blacks, then numerous in East Florida. He had no intention of

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<sup>21</sup> *Ibid.*, I, 140, 165; II, 66, 67, 189, 127, 128, 179, 181, 182, 183, 184, 185.

interfering with negroes who had masters, but he insisted on knowing which ones had their freedom under the declaration or proclamation of some British officer. He would see that slaves were restored to their proper owners and free those of uncertain ownership.<sup>22</sup>

Zespedes divided the negroes in the province into four classes, as follows: (1) those who were free; (2) those freed during the war by military proclamation; (3) those belonging to British subjects, and (4) those at large in St. Augustine and other parts of East Florida. Of this last class those who obtained their certificates to work would be included in the first group, but those without certificates would be treated as vagrants. Persons who claimed negroes as their property must register them and give proof of ownership in writing or by witnesses.<sup>23</sup>

The regulations laid down by Zespedes were in numerous cases difficult to be complied with. Tonym had surrendered no more of the plundered slaves to their Carolina masters than he could help, and he did not intend to be more generous to the Spaniards. It was one thing to lay claim to negroes, and quite another to produce convincing evidence of ownership. So also it was one thing for a British officer to proclaim the manumission of a host of black campfollowers, but a very different one to identify those who had been thus liberated. How the problem was solved is not clear. Tonym heard that some slaves of John Fox were on board a Spanish brigantine in St. Marys River. Near the end of the evacuation of the province he sent Chief Justice James Hume and the provincial secretary, David Yeats, to recover them ; but these gentlemen received only a denial that the slaves were on board. Later, however, the slaves were permitted

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<sup>22</sup> *Ibid.*, I, 162-163.

<sup>23</sup> *Ibid.*, I, 178.

to make their appearance, but were not delivered up.<sup>24</sup> If the Spaniards kept possession of any large number of vagrant negroes they seem to have exported them promptly. Only two hundred were officially reported by the British commissioner of the evacuation as having remained with the Spaniards.

On October 16, 1784, the commissioner noted in his record that eleven hundred and thirty-three negroes were still in East Florida. A subsequent entry was to the effect that Governor Graham's negroes, numbering two hundred and seventy, had embarked. What appears to be the final report of the commissioner gives the names of various destinations and the number of negroes sent to each, as follows :

to the States .....	2,561
to the Bahamas .....	2,214
to Jamaica and the Spanish Main	714
to Dominica .....	444
to Nova Scotia .....	155
to Europe .....	35
to other foreign parts .....	217

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Total 6,340<sup>25</sup>

As previously noted there remained  
with the Spaniards only .....

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200

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6,540

But according to the enumeration of negroes made in 1782 and 1783, not forgetting the three thousand in the province when Tonym assumed the governorship the total population was eleven thousand, two hundred and eighty-five, which is four thousand, seven hundred and forty-five more than are accounted for in the commissioner's final report.

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<sup>24</sup> *Ibid.*, I, 178.

<sup>25</sup> Siebert, *Loyalists in East Florida, 1774-1785*, I, 167-168, 208.



It is known, however, that four or five thousand people, mostly of the back parts of Florida started for the west as soon as they were convinced that the province was to be restored to Spain. Probably a large proportion of these was slaves. If so, it would reduce the discrepancy very materially. The rest of it lies for an explanation between Tonym and Zespedes, and they are forever silent.

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## AN EARLY NINETEENTH CENTURY TRAVELER IN PENSACOLA

One Henry Ker, evidently an American, traveled through part of the western United States during the years 1803 to 1810. Like many other travelers, he wrote a book embodying some of his experiences entitled *Travels through the Western Interior of the United States. From the Year 1803 up to the Year 1810: with a particular Description of a great Part of Mexico or New-Spain.* . . . (Elizabethtown, N. Y., Printed for the Author. 1816).

The author, who was born in Boston, moved with his father to London at an early age and was placed in Westminster School and educated for a business life. However, he was imbued with the wanderlust and apparently indulged his predilections to quite an extent.

The account, though seemingly exaggerated, is of value as showing something of the size and appearance of Pensacola a few years before it came into the possession of the United States. The description of West Florida in general is also of value but far too short. This excerpt is from chapter XXXIV, pages 334-335. JAMES ALEXANDER ROBERTSON

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As I was within eighty miles of Pensacola, the capital of West-Florida, I thought it would be advisable for me to visit the place. I accordingly made preparations for that purpose, and my business being soon arranged, I left Mobile on the 4th of January, 1815. Owing to boisterous weather, I did not arrive in Pensacola before the next day.

The town of Pensacola is situated on a bay of the gulf of Mexico, which forms a very commodious harbour, where there is plenty of water, and where vessels may ride secure from every wind. The town is of an oblong form, about a mile in length, and a half a mile in breadth. It contains about two thousand houses, and seven thousand inhabitants. The houses are many

of them elegant and spacious. The chimnies are all built of soft lime-stone, cut in squares, which lasts for centuries. The public buildings are mostly built of stone, and are very large and spacious. The town has much increased of late, and promises soon to become the principal mart of all the produce which is disposed of in West Florida. The mercantile business is well attended to, and many merchants have made their fortunes in Pensacola in a few years.

The exports of Pensacola consist of skins, log-wood, dying stuffs, and silver dollars, together with sugar, cotton, and indigo, which in 1812 amounted to 240,500 dollars.

The soil of West-Florida is various according to the different improvements which have been made upon it. It is a mixture of sand and black mold, making what is generally termed a grey soil. A considerable part of it, when under cultivation, yields good crops of indigo, cotton, corn or potatoes. The planting of cotton has of late years been much attended to, several planters having turned their indigo plantations into cotton fields. There are two kinds of cotton which flourish very well here, the annual and the West-Indian. The former is low and planted every year; the phlox long, strong, and perfectly white. The latter is a tall, perennial plant, the stalk somewhat shrubby, several of which rise up from the root for a number of successive years, the stems of the former year being killed by the frosts. The balls of the West-Indian cotton are not quite so large as the other, but the phlox, or wool, is long, extremely fine, silky, and white.

## TO THE MEMBERS

The annual meeting of the Florida Historical Society will be held at Rollins College, in Winter Park, on February 29 next. Five years ago we met there -a meeting numbered among our foremost in interest and in lasting value to the Society. Those who came then are certain to come again; others are assured that an equally interesting program has been arranged under the same guidance-that of Professor Alfred J. Hanna, to whom the Society owes so much else, All who care for Florida's history, both Floridians and visitors, will be welcome. Morning and afternoon sessions and entertainment will be timed so that those in attendance from a large section of the State may come and return home that day ; and the pleasure of a day in the atmosphere of Rollins is over-payment for a journey from Key West or Pensacola. Have you not thought that some time you would attend an annual meeting of your Society? There are many reasons for choosing this one.

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The number of pages in the **QUARTERLY** keeps pace with the income of the Society, for almost all received from dues (which is the only source of income) goes into its printing and mailing-hence, the meagerness of recent issues. The officers and directors are grateful to those who have kept up their membership at a sacrifice to themselves. In better times the **QUARTERLY** will surely return to its former size.