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FLORIDA RECONSTRUCTION IMPEACHMENTS

by Cortez A. M. Ewing

1. IMPEACHMENT OF GOVERNOR HARRISON REED

THE IMPEACHMENT of Governor Harrison Reed not only contributes an interesting chapter to the history of Reconstruction but it also offers a number of novel precedents to the history of American impeachments. Throughout his gubernatorial term (1868-1872), Reed fought a consistent and courageous struggle against carpetbag politicians in Florida. I know of no other state or national civil officer against whom the impeachment remedy was so frequently attempted. On four occasions, he was threatened with legislative removal. Twice the lower house passed impeachment resolutions. Finally, in the last year of his term, his enemies voted a bona fide and legal impeachment against him; reported it to the senate in due form; suspended him from office; and, after all these apparent indices of triumph, they had to return him to power on account of an unusual and embarrassing political situation.

At the close of the war, Reed was employed as a representative of the Post Office Department and was domiciled in Jacksonville. He was originally from Wisconsin, where he was recognized as a journalist of ability. Being convinced that the freedmen would have to be protected in their newly acquired liberty, Reed took a prominent part in the affairs of the Jacksonville Republican Club. The functions of this organization were not merely partisanly political. If a Negro were ill-treated, the club informed the proper authorities; if a freedman sought advice, he was given it. The original purpose of this society is not to be confused with the later program that it embraced. If Reed was a carpetbagger at all, he was certainly not the selfish, unprincipled, "fly-by-night" species.

As a compromise candidate, Reed was nominated in 1868 by the Republicans for the governorship. He was elected in May of that year. Under the new Reconstruction constitution, the governor exercised a generous power of appointment. He selected his administrative cabinet of eight members, the judges of the supreme and circuit courts, and a host of local county officers. In

choosing his appointees, Reed revealed a sincere desire to establish an honest and efficient government. Nor did he limit his appointments to Republicans, for at least two prominent secession Democrats were placed in important positions. The nomadic carpetbagger type, which figured so prominently in many Reconstruction regimes, received little attention from this discriminating and well-meaning governor. Yet Reed's determination to establish an honest government created the decisive issue in Florida politics, divided the Republican party, and led ultimately to the four attempts to impeach him.

The coalescence of the disappointed Radical Republican politicians was effected during the legislative session that convened immediately after Reed's inauguration in the summer of 1868. The governor used his veto power to thwart useless expenditures. Before the legislature adjourned in August, there were veiled threats that impeachment would be used if the governor did not show more interest in "Republican welfare." This "piebald" legislature met as a convention to choose presidential electors on November 3. Upon the completion of this perfunctory duty, consummated in a partisan spirit, the legislators demanded that Reed call them into special session.¹ The governor complied with their wishes. They immediately enacted a salary and mileage bill, which Reed promptly vetoed on the grounds that they had already received their salaries for 1868. The bill was unhesitatingly passed over his veto. Reed's conscience had further alienated the corruptionists led by United States Senator Osborn and Lieutenant Governor Gleason. To this group, the governor was demonstrating a ridiculous stupidity in his opposition to the legitimate profits of politics. They, therefore, laid their plans to destroy him as quickly as possible and to install Lieutenant Governor Gleason in his place. Already the hungry politicians had waited five months - an interminable period for an impatient and aspiring corruptionist - for the governor to signify that he was ready to "play ball;" if Reed couldn't make up his mind in that length of time, he was either too stupid or to scrupulous to carry out the great principles of Reconstruction!

The governor had been informed that he would be impeached

1. The call was made so that the members could appropriate mileage for themselves.

if he vetoed the salary bill.² He accepted the challenge. Thereupon, State Senator Jenkins presented charges against Reed in the house of representatives. Without further deliberation, the resolution impeaching Reed was adopted by a vote of 25 to 6. Two committees were appointed, one to report the action of the house to the senate, the other to prepare articles of impeachment. In contrast to most impeachments, no legislative inquiry was conducted by the house before the impeachment was voted. There can be no doubt that this impeachment resulted from purely political motives. And there is a close analogy between it and the impeachment of President Johnson earlier in the year; both were voted by intransigent members of the administration party.

The special committee reported to the senate, or assumed that it had done so. No journal of the senate is now extant. A sturdy defender of Reed maintained that no quorum was present, "as the Democrats were not in their seats, as were not some of the Republicans."³ The Osborn-Gleason faction declared that twelve members and the president of the senate (Gleason) constituted a quorum when the impeachment was reported and received.⁴ But, it is interesting to note, four of the twelve senators present at that time had already been appointed to, and had occupied, administrative offices through the appointing power of the governor. Thus, they were attempting to occupy incompatible offices. Reed interpreted the constitution to mean that when an officer qualified for an office, he thereby automatically became ineligible to hold any office that he might have been occupying at the time of his appointment. Furthermore, he had issued a proclamation setting forth his contention. If these four were ineligible to sit in the senate, there remained no doubt that the senate did not muster a quorum when the impeachment was

2. W. W. Davis, *Reconstruction in Florida* (1913), 547; John Wallace, *Carpetbag Rule in Florida* (1888), 89. Wallace wrote: "The Governor, although fully advised of the purpose of Osborn and his satellites to suspend him by a resolution of impeachment, thinking it best to have the fight opened then and there, acceded to the demand and called them into special session for a specific purpose."

3. Wallace, *supra*, 89.

4. There were twenty-four members of the senate, so the twelve would not have constituted a quorum. A quorum, by the constitution, was a majority; and the president of the senate, not being a member, could not have been counted as present for that purpose.

reported; unless the impeachment were lawfully reported to the senate, it was still an incomplete impeachment; and pending the completion of the same, Reed would naturally continue to exercise the authority of governor. Reed was striving to prevent Lieutenant Governor Gleason from becoming the acting governor.

The committee selected to draft articles of impeachment made no progress. In fact, it did nothing before the legislature adjourned on November 7 to meet two months later. The wild and unverified accusations that comprised the bill which Jenkins presented against Reed remained the only tangible evidence of the charges against Reed. In his memorial, Jenkins charged:

1st. He {Reed} has been guilty of falsehood and lying while transacting business with the members of the legislature and other officers of the State.

2nd. I charge him with incompetency in as much as he has filled commissions to officers in blank, and other irresponsible persons having issued them.

3rd. He has issued a proclamation declaring many seats of the Legislature vacant before the members duly elected and returned had resigned or legal term of service expired.

4th. He has been guilty of embezzlement, having taken from the State Treasury securities and money, and sold such securities, and then failed to return a portion or all of the proceeds of the sale to the Treasury.

5th. He has been guilty of corruption and bribery, he having bartered and sold prominent offices in the State to sundry persons, for money to him in hand paid,⁵ and nominating such persons to the Senate for confirmation.

On the day of the impeachment, Gleason issued a bold proclamation, declaring that he, lieutenant governor of the state, was by the constitution empowered to take over the duties of governor pending the outcome of the impeachment.⁶ Quite contrary to the predictions of the Osborn group, Reed showed no inclination to surrender his position. On November 9, he appealed to the supreme court for an opinion as to whether he had

5. See *Weekly Constitutionalist*, (Augusta, Ga.) Nov. 11, 1868.

6. For complete text, see *Weekly Constitutionalist*, Nov. 11, 1868.

been lawfully impeached.⁷ Secretary of State Alden, who also still retained his seat in the senate, deserted Reed and carried with him the Great Seal of the state to the Gleason gubernatorial had waited five months - an interminable period for an impatient office, which was established in a hotel across the street from the capitol building.⁸ Reed cursorily removed Alden and appointed Jonathan Gibbs, a Negro, as secretary of state. This proved to be an act pregnant with political wisdom, for the Negroes stood firmly for Reed throughout the crisis. Both Gleason and Alden were arrested for conspiring to overthrow the government of the state, but were released without bail, and they, the twin pretenders, continued to "govern" from their hotel until after the supreme court rendered its decision upon the validity of the impeachment.

In his communication to the supreme court, Reed offered, if Gleason would agree, to regard the opinion of the court as binding. In a written statement to the court, Gleason refused to become a party to such an agreement on the grounds that he was, by the constitution, obligated to assume the responsibility of acting governor until the impeachment case was finally decided.⁹ The court announced its opinion on November 24. In answer to Reed's second question - as to whether the lack of a quorum in the senate did not reduce to a nullity the legislative and other acts of the house that required the joint action of both houses - the court answered in the affirmative. In rendering its opinion, the court recognized Reed as the lawful governor, for the constitution made no provision for officers and persons other than the governor to submit questions to the court, except through the

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7. Article V, sect. 16, of the constitution of 1868, provided that the governor might submit any question concerning the interpretation of the constitution or laws of the state to the supreme court for its opinion. In both Davis, *Reconstruction in Florida*, and Caroline Mays Brevard, *A History of Florida*, II, the date of the submission of this formal request to the court is given as November 3. The latter evidently relied upon the former's inaccurate statement. As a matter of fact, the house did not vote the impeachment until on November 6.
 8. For good accounts of these spectacular episodes, see Davis, *supra*, 547-556; Wallace, *supra*, 89-92; Brevard, *supra*, 149-151; *Weekly Floridian*, Nov. 4 to Nov. 25, 1868; *Weekly Constitutionalist*, Nov. 4 to Nov. 25, 1868.
 9. *In the Matter of the Executive Communication of the 9th of November*, A.D., 1868, 12 Fla., 659, 660.

usual practice of suits at law.¹⁰ There is no doubt that the court was politically favorable to Reed. All of its members had received their positions through his appointing power. However, the court's opinion was not unjust. Since no more than twelve members of the senate were present at any session of this short legislature, from the third to the seventh of November, no quorum was ever present in that body; and, therefore, from a purely legal standpoint, the legislature never convened in special session under the governor's call of November 3.¹¹ There had been no constitutional session of the legislature thereunder - only a meeting of certain of its members in a private capacity.¹² With the court's expressed opinion that the legislature was never lawfully convened, there remained no doubt as to the invalidity of the impeachment resolution. The governor's call provided for de convening of the legislature, and not of de house of representatives alone.

The designs of his enemies frustrated, Governor Reed inaugurated a policy of chastisement and reprisals. On November 19, Attorney General Meek filed before the supreme court an information in the nature of a *quo warranto* against Gleason, claiming that the latter had never lawfully qualified for his office since he was not a citizen of the state for three years next preceding his election.¹³ After numerous petitions, motions, answers, and demurrers, the court finally, on December 14, disqualified Gleason.¹⁴

The legislature convened in January, 1869, and several abor-

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10. At a later time, the governor again submitted a question to the supreme court relating to the authority of the impeachment court to postpone his trial to a date beyond the expiration of his term of office. With the governor suspended from office, the court refused to grant him relief, but it did receive his question on the ground that he was the *de jure* governor and that mere suspension did not deprive him of the right to submit questions to the court. *American Annual Cyclopaedia*, 1872, 305.
 11. Thirteen was the smallest number that would constitute a quorum.
 12. The Oklahoma court ruled that a meeting of members of the legislature did not necessarily constitute a legislative session. During the "Ewe Lamb Rebellion" of 1927 in Oklahoma, the state supreme court held that a legislature, regardless of the number of members present, was illegal unless called into special session by the governor or meeting under the provisions of the constitution. *Simpson v. Hill*, 128 Oklahoma 90 (1927).
 13. The qualifications for lieutenant governor were, by Article V, sect. 14 of the constitution of 1868, identical to those stipulated for the governor in section 3 of the same article.
 14. See *State v. Gleason*, 12 Fla. 190 (1868).

tive attempts were made immediately to instigate investigation of the governor's official acts.¹⁵ Reed's friends secured the adoption of a resolution in the senate which declared that no session of the legislature had been in existence in the preceding November.¹⁶ On the second day of the session, the house appointed a committee to make such an investigation.¹⁷ This committee reported three weeks later, and submitted the evidence which it had taken.¹⁸ The majority report recommended impeachment, but the house passed a resolution, forty-three to five, declaring that nothing in the report justified impeachment proceedings. Wallace charges that Reed's enemies attempted to bribe members to vote for impeachment.¹⁹ Indeed, a resolution was introduced to investigate these informal persuasion tactics, but nothing of importance resulted from it.

The third attempt to impeach Reed occurred in January, 1870. An investigating committee was appointed on January 21.²⁰ On February 4, the committee made its report recommending impeachment, which was defeated twenty-nine to twenty-one.²¹ The governor had again routed his enemies, but they were manifestly gaining strength at his expense. For the next two years the Osborn-Gleason faction built their political fences. At the beginning of the January, 1872, session of the legislature, the Radical strategy began to take form. Demands were made for the removal of certain of Reed's appointees. The governor was warned that he would be impeached unless he acceded to these demands. He flatly refused. Caucuses of Democrats and Radicals were held and pledged to vote for impeachment. An investigation was ordered.²² The caucuses continued. Pressure was brought upon the Negro members to deliver the Negro population of the state and

15. *House Journal* 1869, 4; *Am. An. Cyc.*, 1868, 275, 276.

16. *Senate Journal* 1869, 4. The resolution read: "*Resolved*, That the Senate recognize no other Journal of its proceedings for this session, than the Journal commencing Tuesday, January 5th, 1869, and that all other so-called Journals, appearing in or attached to, be suppressed from its records."

17. *House Journal* 1869, 5, 6.

18. For text of the report, see *ibid.*, 101-111.

19. Wallace, 94.

20. *Ibid.*, 116.

21. Wallace, 124. The minority report against impeachment was adopted, 27 to 22.

22. *House Journal* 1872, 54, 71.

the Republican Party from Reed's vicious administration.²³ Finally, on February 6, the committee reported in favor of impeachment and, after a short discussion, it was unanimously adopted.²⁴ Although ordered to be spread on the journal, the report was suppressed through the machinations of the impeachers. A committee of three notified the senate. Another committee of seven was selected to prepare articles of impeachment and present them at the bar of the senate. The labor of this latter committee was apparently not of a strenuous nature, for one of its members averred that he never saw a copy of the articles, to which his name was signed, until after the articles were presented to the house for adoption.²⁵

In substance, the articles alleged:

I. That Reed, in 1870, officially signed state bonds to the amount of \$528,000 in excess of the amount authorized by law;

II. That he, in 1870, conspired and fraudulently attempted to issue state bonds to the amount of one million dollars, which bonds were intended to be used by the Florida, Atlantic and Gulf Central Railroad Company;

III. That he, in 1870, did sign and issue bonds to the amount of one million dollars for the purpose of purchasing stock of the Florida, Atlantic and Gulf Central Railroad Company, which was in violation of the constitution and laws of the state;

IV. That he, in 1870, did sign and cause to be issued bonds to the amount of four million dollars for the use and benefit of the Jacksonville, Pensacola and Mobile Railroad Company, after he had already received "full notice of the fraudulent title of the said Company to the property of the Pensacola & Georgia and Tallahassee Railroads;"

V. That he, in 1871, did conspire with one David L. Yulee, and other persons unknown, to issue bonds to the amount of one million dollars for the use and benefit of the said Yulee and other persons, in relation to the construction of public works;

VI. That he, in 1871, did sign and issue bonds to the amount of one million dollars for the use and benefit of David L. Yulee and other persons;

23. Wallace, 158, 159.

24. *House Journal* 1872, 252.

25. Wallace said that they were prepared by Fred Dockray, whom Reed had alienated by refusing to appoint him to the attorney generalship.

VII. That he, in 1869, did conspire with Milton S. Littlefield to embezzle the moneys received from the hypothecation of state bonds, and did embezzle the sum of \$22,000 in that manner;

VIII. That he, in 1871, did fraudulently receive from Milton S. Littlefield the sum of \$3,500 as a consideration to influence his official action in sustaining the claim of the J., P. & M. R. R. Co. to the property of the other railroads mentioned above;

IX. That he, in 1868 and 1869, did conspire with one E. B. Bulkley of New York to defraud the state of \$15,000, and in pursuance of said conspiracy did defraud the state of that amount by purchasing arms and equipment with the same;

X. That he, in 1869, received from I. K. Roberts a draft for the sum of \$1,140 which was paid in United States currency, and that he thereafter tendered to the Treasurer state scrip in lieu of the currency which he had received;

XI. That he, in January, 1872, did conspire to influence J. W. Toer, justice of the peace, in the exercise of his judicial action upon a case wherein the state brought suit against George W. Swepson;

XII. That he, in 1871, did unlawfully conspire with one Aaron Barnett, and did receive from Barnett the sum of \$10,000 for consideration of approving and signing a contract for the conveyance of internal improvement lands to the said Barnett.²⁶

The articles were presented to and unanimously adopted by the house on February 10. Immediately thereafter, in conformity to the traditional custom of the British House of Commons, the house rose and accompanied the managers to the bar of the senate where the specific articles were exhibited to that body. Lieutenant Governor Day was sworn in as acting governor by Justice Wescott of the supreme court.²⁷ Three days later, Day issued a proclamation declaring himself the chief executive until the impeachment against Reed was decided.²⁸

26. For complete text of the articles, see *House Journal 1872*, 257-263, and Wallace, 160-166.

27. Day had been elected to fill the vacancy caused by the ouster of Gleason from the lieutenant governorship. Gleason had been elected to the lower house.

28. For text, see *House Journal 1872*, (reg. sess.) 275, 276.

The enemies of the governor set about to secure as many votes in the senate for conviction as possible, so they elected Billings, an erstwhile Reed man, president *pro tempore* of that body.²⁹ The conspirators soon discovered evidence of disaffection in their ranks. The Democrats who had so heartily entered into the impeachment agreement threatened to throw their strength to Reed unless Articles V and VI were immediately withdrawn. These articles related to an alleged conspiracy between Reed and David Yulee, a prominent Democrat. The ring hastened to comply with the request for withdrawal.³⁰ To cover up the motives which promoted the withdrawal, the managers began the preparation of additional articles.

Governor Reed peaceably submitted to the suspension and made ready to defend himself before the impeachment court. He showed his canny political sense by employing Democratic counsel. This feature is usually overlooked in the study of impeachment trials. In many ways, the employment of counsel who have political influence is a long step towards the ultimate defeat of the impeachment charges. The senate court was duly organized on February 14, with Chief Justice Randall as presiding officer.³¹ The respondent filed his answer on the day following. No demurrers were offered. The managers asked for a continuance for the purpose of preparing additional articles and of amending those already presented, and for the production of witnesses residing outside the state. The court adjourned for a day. On the sixteenth, four additional articles were exhibited. In brief they alleged :

29, Wallace, 168.

30. The authority of the house to withdraw articles once formally exhibited before and filed in the senate court has been questioned in certain American impeachment cases; viz., the McGaughey (Texas) trial of 1893 and the Walton (Oklahoma) trial of 1923. The arguments against the withdrawal of articles is that the senate court has no constitutional authority to dispose of articles except by trial. However, the power of the senate court to sustain demurrers has been exercised on many occasions. Permission to withdraw would, if complete enough to include all articles presented, secure an effect not dissimilar to a *nolle prosequi* in a criminal court. English precedents permitted the House of Commons to withdraw impeachments at any time prior to the final balloting.

31. Davis remarks that the impeachment court was organized on February 10. He has confused the organization of the court with the exhibition of the articles at the bar of the senate.

XIII. That Reed, in 1868 and 1869, improperly and unlawfully appropriated state moneys, by substituting scrip which he had bought at a discount for currency which he had received from J. D. Westcott, Jr., to the sum of \$6,948.63;

XIV. That he, in 1870, embezzled state money to the amount of \$1,897.24, which sum had prior to the embezzlement been in the custody of Jonathan Gibbs, secretary of state;

XV. That he, on April 24, 1871, did unlawfully apply and appropriate the sum of \$11,000 from the governor's contingent fund;

XVI. That he, in 1870, did wrongfully and maliciously misrepresent the facts of his official acts to one T. W. Brevard, for the purpose of adversely affecting the interests of certain persons and parties.³²

The impeachers thereafter began to maneuver for a *sine die* adjournment of the legislature. Reed demanded an immediate trial, saying that such an adjournment would postpone the trial to an impossible day for him, in that his term of office would expire before the next regular session of the legislature. There was no reason to believe that Acting Governor Day would convene the legislature in special session; for he was definitely aligned with the Osborn group. A concurrent resolution was adopted in both houses, providing for *sine die* adjournment on Friday 19. The anti-Reed members succeeded in adjoining the impeachment court on that day. Apparently no one connected with the case was aware that an impeachment court might continue in session after adjournment of the legislature, and that such continued existence of the court would not violate the state constitutional time limit on legislative sessions. Its functions being non-legislative in character, the impeachment court would not be construed as coming within the constitutional limitation.³³

32. For text of these additional articles, see *House Journal 1872*, (reg. sess.) 303-305; Wallace, 169-171.

33. There are, of course, many American impeachment precedents which confirm this construction, one of the best of which derives from the Civil War impeachments of Kansas. See *Kansas ex rel. Daniel M. Adams v. George S. Hillyer*, 2 Kans. 17 (1863); see also *Trial of the Hon. Albert Jackson* (Missouri, 1859) 55; in 1873, the Texas senate court adjourned without having completed either the Scott or Chambers impeachments. The Mississippi constitution requires that the trial shall be held after the adjournment of the legislature.

The conspirators were jubilant at having effected the suspension of Reed and the *sine die* adjournment. For all practical purposes, their nemesis was efficaciously dispossessed of his office for the remainder of his term. According to Wallace, the militantly able defender of Reed, the impeachers knew that Reed would not agree to a fraudulent canvass of the votes in the election of that year, and they were determined to elect a governor and a congressman even if they had to employ illegal methods.³⁴ Reed retired to his Jacksonville home; but, on April 8, he appeared in Tallahassee, during the temporary absence of Day, and entered and took possession of the gubernatorial office.

In this clever *coup d'état*, he was materially assisted by Gibbs, the secretary of state. Reed immediately issued a proclamation declaring himself to be the lawful governor and forbidding obedience to Day or the legislature.³⁵ He also announced several executive appointments. Two days later, Reed wrote to Day offering to submit the whole tangled situation to the supreme court for a decision. Receiving no reply, Reed presented the question to the court.³⁶ On the fifteenth, Day issued a proclamation, boldly setting forth the authority by which he exercised the powers of the governor.³⁷ Nevertheless, Reed, even though he did not attempt to retain control of the governor's office, had confused the Osborn forces. They were at a loss to know what to do under the existing circumstances. What if the supreme court were to render an opinion in favor of Reed? Driven from pillar to post by the exasperating tenacity of Reed, Day turned to the legislature for aid. He issued a call for it to meet in special session on April 22.³⁸ The appearance of giving the governor a trial might have some influence upon the court's opinion on the Reed petition. Afterwards, the legislature could again adjourn. The legislative members did not display much enthusiasm for their responsibilities in the matter, and it was not until the 26th that a quorum was present in each house.

In his message to the legislature setting forth the purpose of the special session, Day condemned the "atrocious attempt of

34. Wallace, 180.

35. For text of this proclamation see *Am. Ann. Cyc.* 1872, 303.

36. April 17, 1872.

37. *Am. Ann. Cyc.* 1872, 303, 304.

38. The call was issued on the 17th. Wallace, 184, 185.

Governor Reed to seize the powers of the government, under color of a self-asserted right and in defiance of the judicial proceedings of a high constitutional forum, by which he was deprived of all authority whatever." The acting governor did not recommend that the trial proceed, but asked only for the passage of "such legislation as in your wisdom the circumstances may seem to require."³⁹ Of course, the conspirators still had a chance to sustain the impeachment and thereby remove Reed. They might even postpone the trial by another *sine die* adjournment. If convicted, Reed would certainly have accepted the verdict in good faith. By his *coup d'etat*, he had only forced the impeachment to an issue. Justice demands that an impeached officer be granted a reasonably speedy trial, if his impeachment deprives him of his office pending the outcome of the trial. However, by neither law nor constitution was Reed authorized to employ the revolutionary tactics which he used. The constitution of 1868 had been amended to provide that "any officer so impeached and in arrest may demand his trial by the Senate within one year from the date of his impeachment."⁴⁰ A very abstruse provision, that! Did it imply that the impeached officer could select any date within the period and force the senate to organize itself into a 'court of impeachment and thereafter render a decision upon the impeachment? Did it imply that an impeached officer could not be tried by a senate court if he failed to demand a trial within a year? This provision represents an unusual accretion to the body of constitutional law relating to impeachment. To permit the impeached officer to demand a trial when the legislature was not in session would give to an impeached officer an authority which even the governor did not possess - that of calling the senate court into existence. It would, therefore, redefine the meaning of *sine die* adjournment.

On April 29, the supreme court delivered its opinion as to the legal status of the impeachment. Two of the judges - Hart and Westcott - believed that the court could not interfere until the senate court had finally disposed of the impeachment. In a dissenting opinion, Chief Justice Randall argued that the supreme court could not review a decision of the court of impeachment,

39. *Senate Journal* 1872, (extra. sess.) 10-16.

40. Article XVI, sect. 9.

or vice versa; but he declared that the failure of the senate court to convict Reed operated as an acquittal of the respondent, in that the constitution contemplated a trial and not an interminable delay. In summing up his opinion, Randall said: “. . . I must upon my convictions of duty, say that, in my opinion, Governor Reed had the right officially to solicit the opinion of the court, whenever, after the adjournment of the legislature, he saw fit to do so. . . .”⁴¹

The majority members of the court relied upon British precedents to show that a subsequent session of the legislature might decide an impeachment voted in a prior session. Most American impeachment precedents also support this authority.⁴² Although the majority opinion denied the jurisdiction of the supreme court over an existing impeachment, it declared that, by all the rules of justice, the senate court should decide the impeachment against Reed. In arriving at this conclusion, the two judges said:

The adjournment was not the result of any necessity, either of law or of unanticipated occurrence. Gov. Reed was arraigned; the Senate organized as a court; a plea was filed and issue made. The accused demanded a trial as he had a right to do under the express terms of the constitution. Without any reason declared, or so far as we know existing, the adjournment was ordered, and by the operation of the constitution, known to the Senate, that the adjournment carried the Senate over to next January, which was, as also known to the Senate, beyond the official life of the Governor. The deduction of fact, as well as of law, which we hold to follow from this is, that the adjournment of the Senate and the continuance of the impeachment before it, was not for the purpose of a trial, but that there should be no trial; and we hold it to be against any known principle, of law, that a party arraigned can be held to prevent a trial instead of to give him a trial, and that natural justice at least requires that in all such cases the effect should be a discharge; and any and all courts should, when the question properly comes before it, so declare. And why? Simply because, as it seems to us, the spirit of the law which gives power in order to try is violated, and the spirit of justice requires that the party should be dis-

41. Wallace, 203; *Senate Journal* 1872, (extra. sess.) 47. For some unexplained reason this opinion was not published in the Florida supreme court reports of 1872.

42. It would even operate in cases of prior and succeeding legislatures as well as of prior and succeeding sessions of the same legislature. The Chambers impeachment offers an excellent precedent. *Texas Senate Journal* 1874, 42.

charged, for he is presumed to be innocent until the contrary is proven, and, as in such case, no chance to prove him guilty exists, he is entitled to the practical benefit of the principle applicable in his behalf.

Thus, in so far as the effect of the adjournment upon the impeachment was concerned, all three judges were in concurrence. They differed only in the matter of a proper remedy. The two majority judges evidently did not wish to attempt judicial enforcement of a decree in the teeth of political opposition. The North Carolina supreme court took the same attitude in the Holden fracas of 1870 in the matter of enforcement of writs of *habeas corpus*. Being less hazardous to deny jurisdiction than to assume it in a hostile case, the Florida court chose the safe alternative, and then proceeded to forge public opinion through the utterance of *obiter dicta*.

The Osborn faction was in an embarrassing position. On May 1, a motion to resolve the senate into a court of impeachment was introduced and, after an interesting parliamentary battle, adopted unanimously. Faced now with the task of prosecuting the impeachment, the house adopted a resolution on May 2, providing for the procurement of papers and witnesses. Four members of the board of managers were not even in attendance during this session. When the court of impeachment met on May 2, J. P. C. Emmons, counsel for Reed, moved that the respondent "be acquitted and discharged of and from all and singular said impeachment."⁴³ Senator Henderson, Democrat, moved that the granting of the respondent's motion be ordered. Emmons proceeded with his argument upon the motion, which he concluded on the following day. On May 4, the Henderson order was finally adopted by a vote of ten to seven. The Chief Justice announced that Governor Reed was thereby discharged from the custody of the impeachment court.⁴⁴

The manner in which the senate court terminated the proceedings represents an unusual impeachment precedent. While it is not an uncommon occurrence for such a court to sustain a demurrer and thereby conclude an impeachment trial, it is rare indeed for an impeachment court to terminate a legal proceeding

43. *Senate Journal* 1872 (extra. sess.) 37.

44. *Senate Journal* 1872 (extra. sess.) 68.

without hearing arguments upon the impeachability of the acts alleged or without receiving testimony and evidence upon the separate articles. This procedure smacks of the political burlesque, despite the warranted justice that was thereby effected. While not so curt a dismissal of an impeachment as occurred in the case against Governor Long (Louisiana, 1929), the action of the Florida senate court in this case was, from the standpoint of constitutional precedents, as unwarranted as its was revolutionary.⁴⁵ The constitutional and imperative demand upon the senate court is to try all impeachments which are legally presented to it by the only body which has the authority to impeach, the house of representatives. To do less than to try is to shirk an express constitutional duty.

The decision of the senate court was a purely political one. By its action, the court merely indicated, and with a gesture of finality and even of exasperation, that there existed no probability of sustaining the articles against Reed. To discharge the respondent would make unnecessary a futile and tiresome proceeding.

The Osborn coterie did not have a sufficient majority in the senate court to sustain the articles. Moreover, the Democratic members were, by this time, more inclined to support Reed than Day. With good fortune and a fair election, the Democrats might possibly elect their candidates in the impending election. With Day in the governor's office, there was less chance for an honest election than with Reed there. This accounts for the late switch of the Democrats.⁴⁶ The anti-Reed Republicans were also anxious to terminate the party schism. The rising Democracy offered a serious threat to continued Republican hegemony, if the party split continued to dissipate the normal Republican strength. Moreover, the supreme court was about to hand down a decision in the suit brought by Bloxham-Democratic candidate for lieu-

45. See N. F. Baker, "Some Legal Aspects of Impeachment in Louisiana," *Southwestern Political and Social Science Quarterly*, X (March, 1930), 359-387.

46. Davis remarks (p. 635) that the Democrats were eager for the trial and were bent upon removing Reed, but this is apparently an error. Wallace says (p. 207) that the Democrats united with the Reed forces in making it possible for Reed to secure his discharge. The unhappy Osbornites were pressed from either side and were without a reasonable chance to succeed.

tenant governor against Day - against the board of state canvassers.⁴⁷ If the supreme court held that Bloxham had been legally elected instead of Day, and the impeachment court removed Reed or kept him suspended, a Democrat would become governor and the whole army of Republican office-holders would be ousted in one wholesale removal program. Impaled upon the horns of this dilemma, the Democrats were convinced that there was a greater chance that Reed could be convicted than the supreme court would declare Bloxham acting governor; so, they chose to support Reed. It is small wonder, then, that the Osborn conspirators were in no mood to prosecute the impeachment in energetic fashion.

2. IMPEACHMENT OF JUDGE JAMES T. MAGBEE

From a technical standpoint, it must be admitted that the impeachment of Judge Magbee, of the sixth circuit court, was the first impeachment in Florida politics. We were formally and fully impeached in the regular legislative session of 1870. Governor Reed, as we have seen, was not validly impeached until 1872; however, the incomplete impeachment of 1868 contributed a more important precedent to impeachment history than did the Magbee case. Judge Magbee was a member of the Reed faction of the Republican party. In early 1870, the Gleason-Cessna faction of boodlers sought to bargain with Governor Reed in regard to the post occupied by Magbee. The boodlers promised to abandon further attempts to oust Reed if he would force Magbee's retirement and appoint to the vacancy a candidate of the Gleason-Cessna group.⁴⁸ Reed refused. An attempt was forthwith made to impeach Reed, but he parried the thrust successfully. The investigatorial power of the house was then turned against Magbee. After a perfunctory inquiry, he was impeached. The senate was notified thereof on February 18. Before the five articles were exhibited at the evening session of that day, a resolution was

47. *Bloxham v. Board of State Canvassers*, 13 Fla. 55.

48. *Senate Journal*, 1870, 314, 315.

adopted by the senate, providing for the organization of a court of impeachment at the next session of the legislature.⁴⁹

The articles against Magbee appear especially superficial. In brief, they alleged:

I. That Magbee, in 1868, unlawfully declared one William Henderson to be in contempt of his court for having written and published an article attacking and criticising a speech made by Magbee; when, as a matter of fact, the article was published while the court was out of session, and could not, therefore, have been contemptuous; and that Magbee caused the imprisonment of said Henderson in lieu of the latter's payment of a fine of one hundred dollars assessed against him for the said illegal contempt;

II. That he, in 1869, struck from the panel of grand jurors the names of two men which had been legally drawn, and inserted in place thereof the names of two men which had been drawn on the regular panel of petit jurors;

III. That he, in 1869, endeavored to cause the clerk of his court to commit a fraud, by urging him not to record the names of certain persons on the jury list in case they should be drawn in the jury drawing;

IV. That he, in 1869, bought for his own use certain pipes, tobacco, envelopes, and stamps and caused the same to be charged against the state under the title "stationary;"

V. That he, in 1869, persuaded one Irene Jenkins to plead guilty to an indictment charging adultery, promising her a mitigation of the penalty; but after she, as induced, pleaded guilty to such charge he assessed against her the extreme penalty of imprisonment for twenty-one months at hard labor; all of which he did, despite the fact that he had sentenced one Louis Jenkins, indicted on a similar offense, to pay a fine of seventy-five dollars upon a plea of guilty.⁵⁰

49. This resolution represents a curious specimen in impeachment procedural data. As a matter of fact, the senate had not yet resolved itself into a court of impeachment, nor did it do so during this session. Unquestionably, the resolution consists of and constitutes an exercise of legislative authority. Of what moment was the resolution in providing for the trial of the respondent? The later session would not necessarily be bound by the resolution of the prior session. The usual procedure under the circumstances would have been for the senate to organize a court of impeachment, which court could then adjourn to some day of a later or subsequent legislative session.

50. *Senate Journal*, 1870, 232-325.

The regular session of legislature adjourned *sine die* on the day following the exhibition of the articles in the senate. To all appearances, Magbee's case had been postponed until January, 1871. To keep the case suspended from final determination would be to increase the bargaining power of Reed's enemies. However, the governor convened the legislature in special session on May 23. Pursuant to the resolution of February 18, the senate organized itself into a court of impeachment. On June 1, the respondent appeared before the court in person and by counsel and entered a general plea of not guilty to the charges.⁵¹ Thereupon, the managers petitioned the court for a continuance, which was granted. It is very evident that the managers were not desirous of prosecuting the impeachment to a conclusion. On June 2, the respondent submitted a number of important documentary records of his court which served to disprove specific allegations of the articles and to reduce further the enthusiasm of the managers for their responsibilities in the case.⁵²

The legislature met on January 3, 1871. Three days later, a special committee of five members was appointed in the lower house to ascertain the actual status of the impeachment.⁵³ On the 9th, the committee reported; it recommended the selection of managers to replace those whose authority had expired. A substitute was offered, which proposed an abrupt abandonment of the charges. On January 10, the senate notified the house that the impeachment court had been organized; and it further informed the house that immediate action in the impeachment case was desired by the senate court.⁵⁴ This latter information was, no doubt, unwelcome news to Cessna and Gleason. Governor Reed's strength in and control of the 1871 session of the legislature were greater than in any session since he assumed the executive office. The Cessna group knew that the articles against Magbee were of little real substance. Accordingly, in this political situation, the committee which had advised prosecution of the im-

51. For text of the plea, see *House Journal, 1870* (extra. sess.), 40, 41.

52. See *ibid.*, 47-72. The presentation of these documents to the house evidences a desire of Magbee to obviate the necessity for a trial. Ordinarily, however, a respondent would not reveal the evidence upon which he expected to base his defense.

53. *House Journal, 1871*, 35, 36.

54. *Ibid.*, 43.

peachment on January 9 recommended the abandonment of the impeachment on the 10th. The second report admitted that the articles were frivolous and the evidence entirely insufficient. Through adoption of the second report, the impeachment was abated.

The Magbee impeachment contributed little to the body of American impeachment precedents. It is unusual only in that it was under consideration, in one form or another, in three separate and distinct sessions of the legislature. However, the time factor was not great, for less than twelve months intervened between original investigation and abandonment of the charges. In essence, the whole episode was no more than an attempt to embarrass Governor Reed.

LIFE AT FORT BROOKE 1824-1836

By JAMES W. COVINGTON

IN JANUARY, 1824 the military post known as Cantonment Brooke and later as Fort Brooke * was established at the juncture of Hillsborough River and the bay bearing the same name. There were many sites more suitable for a fort which could be found along the shores and islands of Tampa Bay; but the land at the chosen location had already been cleared and a house and wharf erected by Robert Hackley, a gentleman from New York who believed that his father held title to the land. Incidentally, Hackley had left the property in charge of an overseer so that he could go to Pensacola for supplies and he was dumbfounded upon returning to find the troops reposing on his plantation. The Hackley claim was based upon a Spanish grant nullified in the Adams-Onís Treaty and the family never received compensation for the work done in clearing the land.¹

The plans for the establishment of Fort Brooke developed from the Treaty of Camp Moultrie which was signed with the Seminole Indians in 1823. Under the terms of this pact the Seminoles agreed to move into a reservation located in the south-central part of the peninsula. Commissioners representing the United States government in the treaty negotiations suggested that a military post be located at Tampa Bay to prevent the Indians from receiving ammunition and arms from Cuba.

Colonel James Gadsden, one of the treaty commissioners, was appointed to mark the boundaries of the new reservation. He advised Secretary of War Calhoun that a military post situated on the shores of Tampa Bay would demonstrate the military power of the white man and serve as a means of keeping the Seminoles within the reservation. Accordingly, orders were issued by Calhoun, a good friend of Gadsden, on November 5, 1823, for Lieutenant-Colonel George M. Brooke to proceed with four

* In 1954 a group of Tampa boy scouts under the supervision of Dr. John Goggin and Charles Knight did some digging near the site of the fort and uncovered pieces of flints, lead bullets, military buttons and arrow heads.

1. Karl Grismer's *Tampa* (St. Petersburg, 1850), 55-60, contains a good account of the establishment of Fort Brooke.

companies of the Fourth Infantry from Cantonment Clinch at Pensacola to Tampa Bay, where a military post would be established.²

Three companies of men boarded the schooner *William and Henry*, one company boarded the schooner *Rachael*, and the two transports plus one carrying the officers set sail from Pensacola on January 15, 1824, and arrived at the mouth of Tampa Bay on January 18th.

A party was sent out to find Colonel Gadsden, who had been in the area examining the coastline in quest of a suitable site for the fort. This search party found a letter from Gadsden to Brooke stuck in a large stick and marked by a piece of muslin flying in the breeze. The place where the pole was erected thereafter became known as Gadsden Point, and is now part of the MacDill Air Force Base area. The letter directed Brooke to meet Gadsden at the juncture of the Hillsborough River and Hillsborough Bay, where he camped.

Brooke and some others set out in a small boat from the anchored transport to meet Gadsden. Lieutenant McCall and a few friends waiting aboard the transport, decided to explore the several islands at the mouth of Tampa Bay. They saw signs of deer on Egmont Key and saw three deer on Mullet Key.³

Gadsden and Brooke visited several suitable spots which might be used as a site for a fort, and finally decided upon a spot located on the northeastern bank of the Hillsborough River at the place where the river entered Hillsborough Bay.

The transports moved up Tampa Bay, but could not come close to the selected site because of the shallow water. It was decided that the best thing to do would be to land the men at Gadsden Point and march them to the Hillsborough River, where they would cross to the opposite shore by row boats. This was done and the erection of Cantonment Brooke was begun.

Post returns written by Lieutenant-Colonel Brooke indicate that during the first two years of the post's existence, the men spent most of the time cutting wood and erecting buildings. A high spot near the Hillsborough River was selected as the site

2. James W. Covington "The Establishment of Fort Brooke," *Florida Historical Quarterly*, XXX (April, 1953), 273-278.

3. George McCall *Letters From the Frontier* (Philadelphia, 1868), 127.

for the location of the principal buildings and the underbrush was cleared away but the lovely grove of live oaks was allowed to stand and provide shade.⁴ The officers moved into Hackley's plantation house and used it as sleeping quarters until their housing units were erected. Tents served as temporary housing for most of the persons present while the wooden buildings were being erected and the camp during 1824 and 1825 presented a view of white canvas tents, the frame work of half-completed structures and finished buildings.

By April, 1824, part of the officers' quarters, all of the quartermaster's quarters and commissary's storehouse and bake-house had been finished. It was hoped that the enlisted men could occupy their two hundred and sixty feet long and twelve feet high barracks room by the middle of the month.

Since pine logs were used to provide the lumber needed for the buildings at the post, work parties went out in search of the pine trees. One such party of woodcutters worked along the shores of Hillsborough Bay about two miles northwest of the camp. When the members of this group were first aroused by the bugle in the morning they drank only a large cup of coffee and marched off to work. After working steadily until nine o'clock a half hour rest period was taken, during which time the men ate breakfast.⁵

Food at Cantonment Brooke was excellent. All types of vegetables including corn, melons, stringbeans, collard greens and tomatoes were grown in the gardens established on the land that Hackley had cleared. Some nearby settlers were able to earn some needed cash by selling produce from their gardens to the commissary department. Beef was supplied to the camp twice a week by contractors living in the north Florida area. They were notified of the opportunity to bid on the contract by advertisements placed in the Pensacola, Saint Augustine and other Florida newspapers.⁶

There was always a rich supply of sea food available for the men in camp. A boat crew rowed out in the bay twice a week to gather enough delicious oysters in an hour's time to supply the needs of the entire camp. Usually seven men went together in a

4. *Ibid.*, 133.

5. *Ibid.*, 136.

6. *Pensacola Gazette*, November 13, 1824.

boat with a seine to catch a supply of fish. They returned in a short time with a rich haul of sheephead, drum, red fish, flounder, sole, mullet and trout. Sometimes red fish weighing from twenty-five to thirty pounds were caught on hook and line baited with salt porkskin.

When the boat crew returned to the camp they placed all the fish on the dock and the fish call was sounded by the bugler. Of course, the officers' cook was given first choice of the fish. Then the sergeants brought wheelbarrows to carry off the fish for the enlisted men. The Seminole Indians were allowed to take away any of the fish left at the dock. Finally, all of the remaining fish unwanted by the soldiers and Indians were buried in the gardens to supply fertilizer.⁷

Sometimes the military diet was supplemented from other sources. Fresh fruit and dried pompano were brought to the camp by the Cuban fishermen at Charlotte Harbor. Gophers {land turtles} were brought in by Indians and sold for twenty-five cents a pair. Turkeys, whooping cranes and deer hams were also carried to the camp and sold by the Seminoles. Cigars and oranges from Havana were sold to the soldiers by the fishermen from the various ranchos scattered along the coast who usually carried their catch to the Cuban city.

Lieutenant McCall preferred the flesh of whooping cranes to that of a wild goose. On one occasion he shot a flamingo and had the cook prepare the tongue for him. He found the Roman delicacy to be tender but too oily and rich for his taste.

Although Fort Brooke was an isolated post, the officers and men were able to find amusements and means of entertainment to pass away the hours. The Fourth of July, 1824, was celebrated by a long speech, the invitation of Indian guests, many toasts and a fine dinner.⁸ When the enlisted men were not working, they were allowed to hunt and fish. Starting March 15, 1826, a three-day derby was held at Fort Brooke. Horses owned by the officers were entered in one, two and three-mile races and probably there was much betting by all on the results of the events.⁹

7. McCall, *Letters From the Frontier*, 138.

8. *Pensacola Gazette*, August 7, 1824.

9. *Pensacola Gazette*, April 15, 1826.

Persons from the outside world were able to visit the post via the army transport *Florida*, which sailed periodically from Pensacola.¹⁰ This transport carried the inspecting parties, supplies, officers wives and assorted passengers to the remote frontier post. The transport usually anchored in deep water some several miles distant and smaller boats carried the goods and passengers across the shallow water to the wharf. Sometimes ships were wrecked near Tampa Bay and ships bound for Fort Brooke rescued the survivors taking them to Fort Brooke.¹¹

Lieutenant Colonel George M. Brooke was very proud of his establishment by 1830. It was located in a healthy spot and very few soldiers fell ill. There were many buildings contained within the military reservation. These structures included a guardhouse, barracks, storehouses, blockhouse, powder magazine, wharf and stables.

Perhaps as a result of the isolation in the wilderness far distant from any large sized settlement, the general spirit was not good and there were numerous infractions of military law among the enlisted men at Fort Brooke. In April, 1824, five men deserted from their posts.¹² In November, 1825, twenty-six men out of a total of one hundred and thirty-men present at the fort were under arrest or confinement.¹³

It is difficult to ascertain the background of the men in the Fort Brooke garrison as the census records and post returns do not indicate these details, but the 1840 census returns show that most of the soldiers were born in England or Ireland. The few names listed in the post returns for the 1824-1830 period usually denoted English origin. Major Dade's force in 1835 included approximately twenty-nine men from Ireland, twelve from Pennsylvania, eleven from New York, seven from Germany and the rest from scattered sections of the eastern United States and western Europe.

10. In January, 1827, Colonel Clinch and General Gaines inspected Fort Brooke, *Pensacola Gazette*, February 16, 1827.

11. The schooner *Maryland* bound from Tampico to New Orleans became disabled and the crew was taken by the schooner *Amelia* to Tampa Bay. *Pensacola Gazette*, September 7, 1827.

12. Post Return, Fort Brooke, April, 1924, Military Records, National Archives, hereafter cited as Post Returns.

13. *Ibid.*, November, 1825. In 1831, several men amused themselves by printing in ink a one copy newspaper. A photostat of the newspaper may be seen at the Hillsborough County Historical Commission exhibit room.

When the job of erecting the buildings was completed, the work crews were assigned to the construction of roads. Lieutenant McCall, placed in command of one such group, was able to blaze a crude trail leading from Tampa Bay to Alachua. At great effort bridges were constructed across the Little Hillsborough and Hillsborough rivers.¹⁴ In 1825 Congress seriously considered the construction of a road leading from Tampa Bay to Cape Sable and Captain Isaac Clark was ordered to explore the route and determine if a road could be built. Captain Clark was one of the first Americans to explore the land lying south of Tampa Bay. Even the few Seminole Indians and Latin-American fishermen that he met during his journey did not know too much about the interior of the country. He visited Charlotte Harbor and found that the Seminoles were often transported by fishermen to Havana, where they received a most cordial reception. At Charlotte Harbor Clark met Jumper, a Seminole leader who was waiting for the return of his men from Havana where they had gone to secure a supply of rum.¹⁵ Besides supervising the construction of roads and the erection of buildings, there were a few other problems which were faced by Lieutenant-Colonel Brooke. He was certain that the fishing ranchos maintained by fishermen of Spanish descent were evading the customs laws of the United States; and keeping a close watch upon their activities, he finally succeeded in having a customs post established at Tampa and Charlotte Harbor.¹⁶

Supply problems gave the Lieutenant-Colonel a great deal of concern. To his dismay he discovered that only four thousand of ten thousand cartridges received were in good condition and fit for use. Possibly some of this rapid deterioration of military stores was due to the fact that there was not a proper place to store the ammunition but finally by January, 1826, a brick pow-

14. The mail service for Fort Brooke was very poor and frequent notices appeared in the Pensacola *Gazette* concerning letters addressed to persons at Fort Brooke as being held in the Pensacola dead letter office and, if not called for, were subject to destruction.

15. Agent George Humphreys to Secretary of War John C. Calhoun, March 2, 1825, Florida Seminoles, 1825, Records of the Bureau of Indian Affairs, National Archives. The author could not find a copy of Clark's report in the National Archives but a summary was printed in *The Army and Navy Chronicle*, 1836.

16. Brooke to Adjutant-General August 29, 1825, B 151, Records of the War Department, Office of the Adjutant-General, letters received, hereafter cited as O.A.G.

der magazine was erected. He expressed the hope to Washington that he would be supplied with a pair of six pound howitzers so he could use them, if needed, to scare the Indians.¹⁷ Fort Brooke alias Cantonment Brooke certainly was not much of a strongly fortified position during its pre-Seminole War days.

One unique duty which was assigned to several of the soldiers was the interviewing of the persons living at the various fishing ranchos scattered along the coast in order to establish their claim for land. Unfortunately, although these fishermen had a just case, it was impossible to prove when they had first settled on the land and all of the claims were disallowed.¹⁸

Sometimes special duties permitted the soldiers to leave the post for other assignments on a permanent or temporary status. Several companies were transferred from Fort Brooke to Fort Mitchell in Georgia where trouble was brewing in the Cherokee reservation.¹⁹ On another occasion Colonel Brooke dispatched scouting parties as far south as the Peace River to hunt for runaway slaves living among the Indians. He did not like this type of duty, because at that time (in 1828) there were only twenty-eight men fit for duty at the post. In 1826 Lieutenant McCall led one detachment to Camp King (Ocala) in order to preserve order during the election of a Seminole chief.²⁰ It was during one of these trips that McCall brought back two hundred young orange trees and planted a grove which grew with a great deal of success near the banks of the Hillsborough River.

When the military forces moved into the Tampa Bay area, news soon came to their attention concerning the supposed activities of pirates in the vicinity. Scouting parties were dispatched to thoroughly search the area but the well armed soldiers found no pirates. One patrol, however, in April, 1824, found the bodies of three men who had been shot and burned at the stake.

There was some evidence, however, that some "minor league" pirates were inhabiting the islands near Charlotte Harbor. Governor Duval had dispatched Captain Horatio S. Dexter into the region in 1823 and he observed some interesting sights. Dexter's

17. *Io. to id.* January 1, 1827, B 16, *ibid.*

18. For these interviews see *Spanish Land Grants in Florida I* (Tallahassee, 1940). *passim*.

19. *Pensacola Gazette*, April 24, 1830.

20. McCall, *Letters From the Frontier*, 152.

report, written August 26, 1823, was a most notable one. Although he could not visit Charlotte Harbor, some friendly Seminoles told Dexter that several coastal islands contained settlements of runaway slaves. The Negroes were armed with muskets, bayonets and a plentiful supply of ammunition. White men kept the blacks supplied with food and weapons, and the Indians were prevented by force from landing on the islands. The Seminoles; however, traded with the islanders who made visits to the mainland and exchanged rum, powder, lead and molasses for cattle. The vessels of the white men were described as mounting one, two, or three guns. It is possible that these men were survivors of the Cuban pirate bands that had been attacked by the *Enterprise* and other vessels of the United States Navy in 1821. Although Brooke sent several expeditions into the Charlotte Harbor vicinity these groups were not able to find any traces of the pirates.

A few animals began to disappear in the Hillsborough River and alligators were suspected. When their bodies were later found, the teeth marks of the alligators could be seen. Soldiers were posted at the wharf and instructed to shoot the beasts. A large number of 'gators', including one eighteen feet in length, was killed.

Some civilians began to erect their homes on the government property near the fort proper. William G. Saunders from Mobile, Alabama was permitted to establish a general store in 1828. Soon there were several business houses including a boarding house, boat repair yard shoe repair shop and a small but compact red light district.²¹ Since the military reservation included a two hundred and fifty-six square mile area, the settlers were trespassing on federal property and could be removed at the convenience of the government. Any improvements that they made would be at their own risk and such restrictions prevented the growth of the town known as Tampa Bay.

When Hillsborough County was organized in 1834, the village of Tampa {Tampa Bay} was selected as the county seat. Of course, at this time Tampa and Fort Brooke were for all purposes the same settlement and it was not until the 1870 census

21. The water supply for Fort Brooke was obtained from a spring situated some distance away and was carried in barrels on a mule drawn wagon.

that the populations of Tampa and Fort Brooke were separately reported. Augustus Steele served in several positions simultaneously - county judge, postmaster and deputy collector of customs.

One visitor to Tampa described the village and fort in the following words :

Tampa Bay is a neat little village of wooden houses situated at the mouth of the river Hillsborough and close to the garrison. There is a small traffic carried on between it and the few scattered settlers of the neighborhood, who bring in their surplus produce and exchange it here for goods or money. . . The barracks which almost may be said to be part of the village, are a long range of log buildings erected by the troops during the Florida Indian war in 1837. They have a covered gallery all round and are well adapted to the climate of Florida being raised about three feet from the ground, high in the roof and well ventilated. They are also built on the highest part of the garrison, about fifteen feet above the level of the sea, an unusually great elevation on the coast of Florida.

We were all delighted on landing, with the appearance of the garrison, its neat white-washed buildings, and its grassy parade (ground); while round the neat cottages in which the officers and their families lived, grew rows of orange and lime trees thickly covered with their golden fruit, then nearly ripe.²²

There were many Indians living in the neighborhood of Fort Brooke. One village was located at Lake Thonotosassa and two hundred Seminoles lived at that camp under the command of fifty-year old Stout King. Since a sub-agency building was situated in the military reservation many Seminoles visited Fort Brooke in order to obtain their rations as promised in the 1823 treaty.²³

One time a drunken Indian terrorized the army camp and chief Stout King reprimanded him in front of the white men. The angry Indian later seized Stout King and held him over a campfire until the chief fainted. The leader almost died from the burns,

22. George Ballentine, *Autobiography of an English Soldier in the United States Army* (New York, 1853), 101-102.

23. Cattle for the Indians as promised in the treaty were driven from Georgia and shot by the agent. He did not allow the Indians to shoot at the cattle as they were poor shots and would cause the beasts unnecessary suffering. After the animals were dead, the Indians were allowed to take their choice of the meat.

but was given treatment at Fort Brooke hospital and survived. He now became known as Burnt Chief instead of Stout King.

In December, 1835, orders came from General Duncan Clinch to Major J. S. Belton, commander of Fort Brooke to dispatch two companies of men to Fort King. Accordingly Major Francis L. Dade, seven other officers and one hundred and two men left December 24 on a trip which would end in disaster. The citizens of the village of Tampa was sorry to see the soldiers leave on their trip and a group of women made knapsacks and filled them with home cooked food, presenting a well-filled knapsack to each man as he left the fort.²⁴

During the first months of the war it appeared that Fort Brooke would be overwhelmed by the Seminoles. One hundred friendly Seminoles were attacked and driven to the fort by a superior force of hostiles. All overhanging trees were cut down near the fort so that spies could not climb them. One hostile Indian was captured when he pretended to be a friendly drunken Seminole. The Seminoles attacked the farm of Levi Collier situated in the present day Hyde Park section of Tampa and set fire to the buildings and crops. Soldiers from Fort Brooke, noticing the smoke from the burning buildings, raced to the rescue of the family and brought them across the river to the fort. Other outlying farms were also attacked and the army post became a haven for the refugee civilians.

The situation was so desperate at Fort Brooke early in 1836 that General Gaines proposed burning the buildings, putting all civilians on board the ships and marching out in search of the enemy. Fortunately, he soon realized that such action would be rash. Fort Brooke was not really ready for an Indian war. One observer called it a paper fort. Fortifications at the place included two blockhouses erected at the end of a street with four or five barracks on each side, a triangular stockade, two twelve-pounders and a battery of six-pounders.²⁵ Most of the defenses had been erected since the outbreak of the fighting.

Fort Brooke played a prominent role in the removal of the Seminole Indians from Florida. In 1835 before any thought of a Seminole war had occurred, the Federal authorities planned to

24. *Tampa Tribune*, June 16, 1957.

25. *Army and Navy Chronicle*, II (February 4, 1836), 79.

have the Seminole leaders conduct their own bands to Tampa Bay. At the Fort Brooke agency rations would be distributed and a census taken. Since the migrating Indians carried their ponies and cattle along with them and these animals could not be taken to Indian Territory, pens were erected to house the livestock. Finally, after the Indians had been issued sufficient food and clothing, they would be taken aboard a fleet of transports waiting in Tampa Bay and sailed to Indian Territory via New Orleans, and the Mississippi and Canadian rivers.

When the murder of Charley Emathla gave advance warning of the warlike feelings of the hostiles, five friendly leaders and from four to five hundred Indians quickly moved from Tallahassee to Fort Brooke where they sought protection. Lieutenant Joseph W. Harris, the superintendent of emigration issued food and blankets to the Indians and many of them volunteered their services to protect the fort.

The Indian leaders found a white friend who was willing to write the letter to President Jackson which follows:

Our father we wish to say something to you. It is because we wish to follow the advice which your agent, who has been cruelly murdered by one of our crazy red men, always gave us. We have come to your fort and placed ourselves beside your people like true friends. Could our father now see us at the place where we were told to come and from whence the Big Canoes were to carry us to our new country. We are here and are ready to go. If we did not mean to go we should not have been here but with our mad brothers on the Red Path.²⁶

There were never very many men in the garrison during the 1824-1835 period and it was not until the outbreak of the hostilities that the military establishment contained a large force. In October, 1825, the roster included one lieutenant-colonel, one surgeon, three captains, one first lieutenant, one second lieutenant, four sergeants, four corporals, one musician (bugler) and forty-one privates.²⁷ This figure declined to three officers

26. Seminole leaders to President Jackson February 7, 1836 H 231 Seminole Emigration, 1836, Records of the Bureau of Indian Affairs, National Archives.

27. Post Returns, October, 1825.

and forty-seven enlisted men in July, 1832.²⁸ When Fort Brooke became the most important fort in Florida during the Second Seminole War, many thousands were camped within its confines at one time. As late as August, 1841, when the major fighting had ceased, there were seventeen officers and six hundred and sixty-five men on the roster.²⁹

As Fort Brooke became a major military establishment, the little town of Tampa grew on the outskirts and depended upon direct and indirect military spending during the first twenty or thirty years of its existence as the chief means of subsistence for its citizens.³⁰

28. *Ibid.*, January, 1830.

29. *Ibid.*, August, 1841.

30. Many of the earlier Fort Brooke buildings were destroyed in the 1848 hurricane. Destruction was so great that the military authorities gave serious thought to the permanent abandonment of the place and greater use of the establishments at Fort Dulaney.

LETTERS FROM THE SECOND SEMINOLE WAR

Edited by JOHN K. MAHON

THESE PAGES are built around fragments drawn from the letters and diary entries written by Joseph R. Smith.¹ They contain nothing important enough to require a reinterpretation of the Second Seminole War, 1835-1842; indeed they have little significance except that they enlarge the printed record left by the people who lived at that time. This record helps us, in spite of the one hundred and thirty years lying between, to bring to life their interesting era.

Joseph R. Smith was an officer of the Regular Army, and, like a majority of his confreres, he was a graduate of the United States Military Academy.² Fourteen years before he reached Florida, he had been graduated twenty-second among thirty-five members of the not-very-distinguished class of 1823. Assigned to the 2d United States Infantry upon graduation, he had been with it ever since - and was to remain a part of it until 1851, that is eighteen years in all. Service prior to Florida had been entirely at the North. During the fourteen years since graduation he had made the slow rise characteristic of that era; had, in short, advanced only from second to first lieutenant. He had been a first lieutenant for six years upon his arrival, late in 1837, in Florida.

The conflict with the Seminoles had then been in progress for two years. Commanders had come and gone at the rate of two per year. Three ranking Regulars and one governor of the territory of Florida had thus far, as commanders of the Army of the South, failed to finish the struggle and to ship the Indians

1. The letters and diary from which these extracts have been made are in the P. K. Yonge Library of Florida History, University of Florida. The writing, spelling and grammar in them are good, indicating the education of the writer.
2. Of twenty-two officers whom Smith mentioned in his writing, eleven were West Pointers. Brief data on the officers comes from Francis B. Heitman, *Historical Register and Dictionary of the U.S. . . . 1789-1903* . . . , 2 vols. (Wash., D. C., 1903). More detailed data on Smith and other graduates of the Military Academy comes from George W. Cullum, *Biographical Register of the Officers and Graduates of the U.S. Military Academy . . . 1802-1890* . . . , 3 vols. (Boston, 1891), for Smith see I, 312. Cullum's work has since been brought closer to the present by other editors.

west of the Mississippi.³ Brevet Major General Thomas S. Jesup, in command since late in 1836 and still there when Smith arrived, believed he had finally put an end to it during the first six months of 1837. Under his supervision thirty Indians had been killed and five hundred rounded up for shipment. In addition some of the chiefs had avowed that the remainder at large were willing to be moved to the west.⁴ It was in this climate of optimism that Lieutenant Smith arrived at the theatre of war. That climate was not to last very long.⁵

Nov 9th [1837] Left Monroe Mich. to join my Regt. in Florida; arrived at Detroit same eve 8.

Nov 10th Remained at Detroit

Nov 11th Left for Buffalo and arrived on the night of the 13th. Remained one day. 15th Left for N. York and arrived on 20th losing a day at Utica, one at Albany. Went to Elizabethtown & found all my friends well. 23d Capt Backus⁶ brought me a letter from my brother. Daily expecting a letter from my wife. Oh the disappointment of not hearing from those we love. I leave my family with regret on an unpleasant and horrendous service. Oh Lord preserve us all and in thine own good time again unite us.

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3. Brevet Brigadier General Duncan L. Clinch commanded in Florida until Brevet Major General Winfield Scott was ordered on 21 January 1836 to relieve him. Next, on 25 May 1836 Scott transferred the command to Richard Keith Call, Governor of Florida Territory. Call lasted until the end of 1836 when, on 8 December 1836, Brevet Major General Thomas S. Jesup was assigned the post. Jesup had been Quartermaster General since 1818 and was to continue in that capacity until 1860. Chagrined on account of criticism of his conduct of the campaign during the spring of 1837, he asked to be relieved, but his request was not honored for a whole year. Accordingly, Jesup was in command when Lieutenant Smith arrived in the theater. For data on these men see Heitman, *op. cit.*, I, *passim.*, and Allen Johnson and Dumas Malone, eds., *The Dictionary of American Biography*, 22 vols. (New York, 1828-1944.)
 4. Order No. 203, Hqs., Army of the South, 24 Oct. 1837, printed in John T. Sprague, *The Origin, Progress and Conclusion of the Florida War* (New York, 1848), 182.
 5. In what follows, interpolations by the editor are enclosed in brackets. Entries from Smith's diary may be distinguished from extracts from letters as follows: the diary entries begin with a date; the letters bear the date and place of writing in the upper right hand corner. Unless otherwise noted, the letters are to his wife, Juliet. His salutations to her, uniformly endearing, have not been included.
 6. Electus Backus, Military Academy Class of 1824, had very recently, 17 October 1837, been promoted to captain within his regiment, the 1st Infantry, Heitman, *op. cit.*, I, 179.

New York "Noe's Old House"
Monday Nov 20th

. . . I have seen Genl. Scott; ⁷ he was hard at work at Hampton House building a *pig pen* . . . Kiss our lambs for me. Tell them to be good and not forget father. Punish them with judgment, - not in anger. Do not show temper before them. In short, correct your temper on all occasions.

[It appears here and later that Lieutenant Smith was on friendly terms with General Scott. Then as well as now - but especially at that time when the Army was small and very intimate - the personal acquaintance of the general was useful. Smith's particular reference to Scott is interesting because stately pictures and a "fuss and feathers" tradition have resulted in so elegant an impression of Scott that one can scarcely think of him building a pig pen. Smith thought the occupation incongruous for he underlined "pig pen." Smith's admonition to his wife reveals the temper of his time, a temper sharply different from ours. How many American men of the twentieth century would presume to write such instructions to their wives?]

27th Nov. Monday Having bade adieu to all my friends, - and prepared for the campaign, I sailed this day in the good ship Auburn for Savannah, and cast anchor at the quarantine ground.

28th Tuesday Early under weigh with a light wind favorable, - by night had crawled over the bar at Sandy Hook, - and met a headwind, - beating all night. 29th Wednesday Still beating, - wind dead ahead. The lady passengers deadly sick. Poor things!

6th Dec. Wednesday. What a night we passed the last. A tremendous wind under double reefed topsails. This morning the wind has moderated and we think we must be up with Tybee

7. Winfield Scott was the best known American soldier at this time. He was one of three general officers then in the Army (exclusive of brevet generals.) The Commanding General, Alexander Macomb, was the only Major General. Scott was one of the two brigadiers, and his bitter personal rival, Edmund Pendleton Gaines, was the other. At this time Gaines commanded that half of the nation known as the Western Department, while Scott commanded the Eastern Department. In 1841 Scott, upon the death of Macomb, became Commanding General. A few years later he went on to fame for his conduct of the invasion of Mexico in 1847. In 1852 he was Whig candidate for President; see Heitman, *op. cit.*, II, 586; *Dictionary of American Biography*.

light house. Just discovered a sail which we take to be a pilot boat. I hope so. Oh how did my thoughts revert to my dear wife and children during the night. To thy care and Providence, oh Gracious Father, I commit them.

7th Dec. Thursday Passed a quiet night, and about 12 oclock M we weighed anchor on the flood tide, and stood up the river, for Savannah, distant about 20 miles, - arrived at 1/2 past 3 PM. Put up at the City Hotel. Oh what a bed of sand is this place.

9th Dec. Saturday. At two o'clock this morning we started (on a steamer *Poinsett*) and in the course of an hour or two grounded, in the fog; - and here we are, for all day, until the next high tide, this evening . . .

10th Dec. Sunday. At 1 o'clock AM we weighed anchor, to cross the bar; - passengers all asleep. We had not got half way over, before thump, thump on the bottom. We all tumbled out very soon . . . After thumping six or eight times, we crossed the bar, and we came into deep water, much to our comfort; - we then stood south . . . and at half past 4 entered the mouth of the St. Johns; - proceeded up to Jacksonville, when we came to for the night, to wood etc. Here I received the pleasing intelligence that Micanopy, Jumper, the Cloud⁸ and other indians had come in, and thus probably the war is ended.

11th Dec. Monday Left Jacksonville at 4 o'clock AM and arrived at Garey's Ferry (Fort Heileman)⁹ on Black Creek, a little after 8. Indian news confirmed. - Col. Crane commanding. -¹⁰ He ordered me to the command of 114 recruits for Tampa. I wish they understood the use of the musket as I pass over the ground where poor Dade, with about the same numbers of men were [sic.] cut off. I shall be here some 3 or 4 days.

12th Tuesday. Today is the grand council at Ft. Mellon and if Sam Jones¹¹ is not in tonight, Genl Jesup with the army will move tomorrow

8. Micanopy was acknowledged chief of the Indians in Florida; Jumper was his adviser or "sense bearer" and Cloud was one of the chiefs, Sprague, *op. cit.*, 97; also Thomas L. McKenney and James Hall, *History of the Indian Tribes of North America with Biographical Sketches* . . . , 3 vols. (Phila., 1842-1844), II, 187-192.

9. Ft. Heileman, and other locations mentioned, may be identified on the contemporary map at the end of this article.

10. Ichabod B. Crane, lieutenant colonel of the 2d Artillery, Heitman, *op. cit.*, I, 335.

11. For a description of Sam Jones, a Mickasukie, see Sprague, *op. cit.*, 99.

Garey's Ferry
Thursday 14th Dec 1837

There is an immense amount of property of all kinds here, and such waste; - they pay steam boats \$5000 per month, and have five or six of them running all the time . . . ¹²

17th Sunday. At 10 o'clock this morning, having been joined by Lt. Thomas ¹³ and 15 men from Picolata, set out on the march for Tampa. Strength of party, 104 men and 5 officers. Marched out 7 miles and halted early to allow the Picolata men to cook. - This day received a letter from my wife, a joyful occurrence . . . Wolves howled terribly

21st Thursday. Made an early start passed through the 6 mile hammock an ugly place for an attack. Passed near the Orange Lake, arrived at Fort King, - (2.5 miles) just at dark. Found my old friend Galt ¹⁴ in command. Slept with him.

Fort King Fla
Friday 22d Decr 1837

We have performed 80 miles of our journey . . . I am resting one day here, and God willing, tomorrow I set out. The opinion here is that we shall see no Indians. But we are all in the hands of God. I must do what I can;-Captain Galt will send 15 mounted men to escort the wagons. [Smith was responsible for a wagon train] This will be a great relief to me in many respects. The Indians are much more afraid of mounted men than of foot soldiers . . .

[If there were any letters in the one-month interval between the letter above and that below, they have not ben preserved]

27th Wednesday. Made an early start;-the men almost worn out. About 4 past 4 met my excellent old friend the Colonel, and Genl Armistead ¹⁵ riding about a mile from Tampa, and soon after we arrived at the place of our destination . . . An

12. *The Army and Navy Chronicle*, IX (1839), 14 quoted the *Philadelphia North American* concerning a similar case. The owner of a steamer, it said, valued at \$7,000 received rent of \$72,000 for her use from the Army which in addition paid the wages of the crew.

13. George C. Thomas, second lieutenant, 4th Artillery, Heitman, *op. cit.*, I, 954.

14. Patrick H. Galt, captain, 4th Artillery, Heitman, *op. cit.*, I, 444.

15. Brevet Brigadier General Walker K. Armistead, one of the first graduates of the Military Academy. Later, Armistead became commander in Florida for the year from May 1840 to May 1841, Heitman, *op. cit.*, I, 169.

express from Col Taylor this night bringing intelligence of his battle. ¹⁶ Indians defeated, - but a dear victory for us. Col-Thompson ¹⁷ and several others killed and wounded

3d-4th Jany. [1838] The survivors of the 6th Infy came in today. Poor fellows! - Some 60 or 70 wounded, broken arms, legs, and holes through all parts of the body. It was a gallant affair.

28th Sunday. Oh my God, how is this, thy holy day desecrated. Oh grant to touch the hearts of both officers and soldiers, - that they may be brought to love and serve thee evermore.

Fort Brooke Fla
20th Jany 1838

. . . Col Taylor is a thorough going man, - and if the Indians can be found he will find them, and fight them too. I proposed to the Col. just before he left that he should allow me to go out and join Major Hoffman. ¹⁸ But he told me the papers were too far behind hand, and anyhow I had better remain here where the books and papers were, - and with the Hqs. ¹⁹

I am almost tempted to think that I am a Captain of compy B. Mrs. Capt Morris of the artillery wrote to husband, who is here, that Maj. Young of the 7th Infy has resigned. If such is the fact, it promotes Maj. Cobbs . . . and makes me Capt of Compy B. If so how would you like to recruit a year or two? Probably by the assistance of Genl. Scott we might get a pleasant station . . . You cannot tell what an enormous pair of whiskers I have cultivated; - I suppose you would like to cut them off for me. I would be willingly at home tonight and indulge you in clipping my whiskers . . . I am aware that you must submit to many privations . . . But they are nothing when compared to mine; - when compared to what we all suffer here in Florida

16. Zachary Taylor was at the time Colonel of the 6th Infantry Regiment. His career has been widely treated; the reader can get a start by means of the *Dictionary of American Biography*. Taylor was in command at the battle referred to, the Battle of Okeechobee or the Kissimmee River which was fought on Christmas Day, 1837. This was the severest action of the seven years of the war; 5 officers and 22 enlisted men were killed; 9 officers and 102 enlisted men were wounded, Sprague, *op. cit.*, 213.

17. Lieutenant Colonel Alexander R. Thompson, 6th Infantry.

18. William Hoffman who was at the time Brevet Major, 6th Infantry.

19. Smith was adjutant of the 2d Infantry Regiment and so was responsible for the regimental records and paper work.

almost eaten up by fleas, ants, cockroaches and almost all manner of vermin. Even the sand is swarming with fleas, and little flies that bite, - and then for our quarters. It rained hard the night before last, - and soon I heard tick, tick tick, - the water dropping on my papers. I was up in an instant and removed them carefully . . . I hopped out of bed to remove one thing after another . . .

[These extracts illustrate vividly why promotion of officers was so slow one hundred and twenty years ago. You had to wait for death or resignation to open a rung above you before you could advance. Company officers were promoted within the regiment, field grade officers within the branch.²⁰ Thus, if casualties were high in a regiment or a branch, officers might rise rapidly while their contemporaries remained unpromoted. The system was clearly not fair.

Concerning the hardships of soldiering in Florida, even twentieth century Americans, protected by screens and insecticides, can, if they try, get a glimpse of the miseries of early soldiers, The tiny sand flies, popularly known as "noseeums," can still bite out of all proportion to their size]

Fort Brooke Fla
Feb'y 8th 1838

. . . I went over to Sanibell [sic.] Island where are thousands of shells (not very rare) and I picked up a great many shells for my dear little children . . . I enclosed you my pay accts for Jany. - and a draft on Maj. Hessing besides for my December pay.²¹ Do not fail to inform me whether they come safely. It takes just a month to receive your letters after they are written . . . Do not keep the children in school more than an hour or an hour and a half in the forenoon and as much in the afternoon . . . The system of sticking them up on benches six hours a day, - I disapprove of . . .

20. William A. Ganoe, *History of the U.S. Army* (New York, 1928), 180.

21. Pay records for 1838 are not readily available, but for the year ending 30 September 1834 Smith, as a first lieutenant, drew \$994 pay and allowances. Since he was still a first lieutenant in 1838 his pay was doubtless nearly the same as in 1834. Figures on his earnings were drawn from, "Pay of Officers of the Army, 1833 and 1834," *H.R. Exec. Doc. Number 198*, 4 April 1836, 24th Cong., 1st session, p. 306.

Fort Brooke Fla
22d Feby 1838

. . . Genl Jesup hopes to give the Indians all south of the 28th degree of latitude, and has sent his aid to Washington to effect this arrangement.²² . . . It is thought that the campaign will close by the 10th or 15th of March. Then comes the distribution of troops for the summer. And where the lot of the 2d may be cast I know not . . . I never can think of coming South to live. This may drive me out of the army. I hope however to manage to recruit a couple of years, - before I am compelled to resign . . . 27th Feby . . . Since I commenced this letter I have had an attack of dysentery; - but am quite recovered.

Fort Brooke
5th March 1838

. . . Report says that when the Florida campaign is terminated the troops, or a portion of them, will march into the Cherokee nation to enforce the treaty with them; - or, in other words, to take their country away from them.²³ If I am not ordered on recruiting service this summer I know not what I may be tempted to do. I look farther ahead, dear Juliet, than you do. You think that we could get along by our own exertions if I were to resign; - I *know* that we cannot. Our habits are entirely foreign to economy . . . We have been brought up so that we cannot do much work. If Henry²⁴ can manage to get me an appointment

22. The twenty-eighth parallel runs east and west a few miles north of Tampa. General Jesup was not able to get this area reserved for the Indians, but General Macomb arranged a more limited area for them when he made a treaty with some of the chiefs which he thought would put an end to the war in June 1839. Macomb's line ran through Charlotte's Harbor to Pease Creek, up that stream to Big Creek, up that to its source thence east to the northernmost point of Lake Istokpoga, thence along the eastern outlet of that lake to the Kissimmee River, thence down the Kissimmee to Lake Okeechobee thence south through the lake to the Shark River, and down that to its mouth, then along the sea shore north to the starting line, Sprague, *op. cit.*, 229.

23. He refers to one of the saddest of episodes in Indian-white relation, the removal in 1838 of the Cherokees from Georgia to the area west of Arkansas known as the "Indian Territory." For a full account see Grant Foreman, *Indian Removal* (Norman, Oklahoma, 1932), Book 4.

24. His brother, Henry, who at the time was Superintendent of Public Works at Monroe, Michigan.

in the state of Michigan that has any prospect of permanency I think I would bid adieu to Uncle Sam . . .

[It is noteworthy that Smith stayed in the service only in order to support his family. Also interesting, and not a little perplexing, is his statement, "We have been brought up so that we cannot do much work." "Work" to him apparently meant physical labor, and the outlook implied in the assertion smacks of the Old World. Returning to the need to support his family, times were hard because the depression following the Panic of 1837 was severe. Even so, Smith's spirit, as here expressed, was not equal to that of the most enterprising Americans who at that time willingly hazarded a living for the chance of big profits.]

Ft. Brooke
13 March 1838

. . . I write this from my sick room. Five days since, I was attacked with the dysentary again;-and the Dr. cannot, as yet, control the movements of my bowels. I am writing this letter, supposing it may be the last one I shall write you. For I cannot conceal from myself that I am pretty sick. I have thought much of dying lately, since my sickness. And oh my love, the pang of parting with you and our babes,-is the severest one I meet. But dear Juliet, it is but for a few years,-and then, if we live and die in the faith, that is in Christ Jesus, we shall be again united . . . Oh how I miss those kind attentions which none but the hands of a wife can ever execute,-or her affectionate thoughts invent. But it may not be. God does all things well. I am distressed at your being left dependent. But oh, trust in your God, who never forsakes those who put their trust in Him.

[This letter stops abruptly at the end of one page with three blank sheets unused after it. The handwriting is firm. Someone has pencilled the following on the back, "if anyone ever got a dirty deal from God, he did and three generations after him. The initials look like JRS which would have been his son or grandson. Their faith apparently did not stay as strong as his had been.]

Fort Brooke Fla ²⁵
[6th March 1838]

Again I am seated at my desk to write to you. My health, I think, continues to improve,-but I am sure, that with your care, and affectionate attentions, and the northern atmosphere,-and by the blessing of God, I might soon be well. Genl. Jesup has answered my application by saying that as a principal part of my regiment are serving in Florida, I must continue, and do duty with them. I have also made application to the Agt. Genl., if he decides against me, then the Colonel's answer to my letter resigning my adjutantcy;-will be received in about four or five weeks;-if he decides against me I may be compelled to resign rather than sacrifice my health here during the summer. But, oh, what a prospect for me, with a wife and four children, and no means but my present pay and profession. But I desire to put my trust and confidence in God . . . For myself, I could get along very well;-but you and our children;-it grieves me to think of it.

. . . I have just written to sister Louisa by Col. Davenport, of the army . . . I enclosed a \$50. U.S. Bank note to her. I hope the time is not very far distant when we can offer her a permanent home. If Henry could help me to anything, by which with application I could support us,-I would willingly quit a profession for which,-I think there is no longer a feeling of respect entertained by the country.

[The feeling that the military services are not accorded due respect in time of peace is here seen to be at last one hundred and twenty years old.

A letter dated 16 March has survived but nothing was extracted from it for reproduction. It is cheerful and out from under the shadow of death, and there is not even mention of the earlier doldrums. In it Smith stated that his brother, Henry, was creating a position paying \$1,200 per year, and that if it were to be permanent he would resign in a minute to get it.]

25. The date written on this letter is scratched over, but appears to be 5 or 6 March 1838; yet those dates must be in error since Smith surely wrote the letter after his illness which he reported to his wife on 13 March.

Ft. Brooke
24th March 1838

. . . I am not quite as strong as when I left home,-but am better than I have been. We hear nothing positive of the destination of the 2d for the summer; we therefore continue to live in hopes that we shall get north. I am daily expecting the Army Bill to pass which will promote me to Cobb's company.²⁶ Any where, so I get out of Florida this summer . . .

Apl 4th. My friend Penrose²⁷ arrived with a detach of recruits. My health still poor. I received an order to proceed to New Orleans and return with Coe Hadjo²⁸ an Indian chief. Apl. 7th Left Tampa in a wretched little sloop with two men for all the crew. After a long and disagreeable voyage of 7 days arrived at St. Marks.

Apl 14th Found the steam boat New Castle there; took passage Penrose and myself in her. On 15th touched at St. Joseph's and Pensacola,-passed Mobile Bay, entered Lake Borgne and Lake Pontchartrain and arrived at New Orleans on the 18th. For several days my disease grew worse, and finally Surgeon Hawkins and Dr. Crawford said I must go north immediately if I would save my life . . . 24th Left N. Orleans in the SB Emperor a splendid boat, . . . heard of the destruction of the Mozelle near Cincinnati, - 150 persons destroyed among them Lt. Col. Fowle of the Army,²⁹ which promoted Cobbs and made me Captain of Company B.

[There are no other letters written during the spring and summer of 1838, for Smith got leave to go north to convalesce. Among the papers however are several communications from the Adjutant General, all of them in October 1838 and addressed to (now) Captain Smith at Watertown, New York. He was there on recruiting service and the Adjutant General directed

26. The Army Appropriation Act referred to became law on 6 April 1838, but all it did was appropriate lump sums for the payment of men in the service, *United States Statutes at Large*, V, 224.

27. James Penrose, first lieutenant, 2d Infantry, Heitman, *op. cit.*, I, 783.

28. Coe Hadjo or Coe Hajo was one of the chiefs of the Florida Indians who agreed to the removal of his tribe early in the conflict. There is some reference to him in the report of General Jesup printed in Sprague, *op. cit.*, 186ff.

29. His promotion to captain was dated 28 April 1838. This is an interesting example of the fact that advancement more often than not depended upon disaster to those above one in the hierarchy, Cullum, *op. cit.*, I, 312.

him to take his recruits to Fort Columbus where a battalion of his regiment was assembling to go to Florida. From the Adjutant General's letters it can be inferred that Smith replied he was too unwell to obey. The Adjutant General then stated that if he was well enough to recruit he could manage to deliver the recruits as directed. Once there, he continued, if Smith was not in condition to accompany the battalion to Florida he should notify the Adjutant General. Not satisfied with this, the Captain next wrote to none other than the Commanding General of the Army. The reply came from the headquarters of the army at Sackett's Harbor, New York. It said for him to get a medical certificate if he was not well enough to go to Florida, and that with this he could retire until able to do duty. Finally Smith won his point. A letter signed by Lorenzo Thomas,³⁰ Assistant Adjutant General, on 4 May 1839, directed him to repair to New York instead of reporting to his unit and accompanying it to Florida.

Throughout the interchange the high command showed a good deal of forbearance. There was of course some humanity, but also a substantial portion of expediency in its forbearance. As is apparent from Smith's correspondence, too rigid an attitude would have driven many trained officers out of the service. Smith, for his part, had no wish to retire until well because this would have meant removal from the payroll. So, as matters fell out, he found himself in New Orleans in the spring of 1839 on some sort of duty, the nature of which is not apparent from the papers examined.]

On board ship Yazoo at sea
10th May 1839

My dear children,

If you have got your atlas . . . you will see Great Abaco Island.³¹ We are now in sight of that island . . . I am quite well although I have been a little sick. I have 226 soldiers in the

30. Lorenzo Thomas was one of Smith's classmates at the Military Academy. He continued to serve as Assistant Adjutant General until he was advanced to be Adjutant General, with the rank of Brigadier General, in 1861. Later, Thomas was an actor in the drama which centered around the Tenure of Office Act and the attempt by President Andrew Johnson to remove Secretary of War Stanton from office.

31. Great Abaco Island is in the Bahamas. For some reason Smith described it to his children as forming one side of the channel, with New Providence Island the other, to New Orleans.

ship. One of them died last night;-this morning at 6 o'clock he was sewed up in his blanket,-and a canvass [sic.] covering, -and I read the burial service over him;-and we committed his corpse to the deep sea there to remain until the last trump shall call him, and every one of us, to judgment. Oh try to be good children. How often father thinks of you all,-and prays for you all! Be affectionate to your dear mother . . . and be kind to one another, and in your intercourse with those around you, be kind and upright. Never do a mean action; oh never tell a lie;-or do such an act as you think will displease God. If you love God, he will take care of you . . .

[The letter of 10 May was addressed to Elizabethtown, New Jersey whither Mrs. Smith, for some reason, had removed from Monroe, Michigan. General Scott's home, as has been seen, was in that place, and there is some evidence that the Smiths and Scott's were good friends.

Of interest is the Captain's admonition to his children. Few fathers would use such an approach in the 1950's.

Later in 1839 Captain Smith's health was so much restored that he was ordered to rejoin his regiment in Florida. That unit, the 2d Infantry, had been in the Peninsula since June 1837. This long service shows that there was no rotation of units to make the harsh duty lighter. One reason was that a large part of the whole Army was committed to the Florida War. One of the two regiments of dragoons, one of the four artillery regiments, and four of the eight infantry regiments were in that theater.³²

During nearly all of the twenty-one months while Smith had been absent from Florida Brevet Brigadier General Zachary Taylor had been in command. He was still in that position at the time of Captain Smith's return. Taylor, convinced that the country would have to be blanketed with troops, had commenced to divide Florida into districts twenty miles square with a military post in the center of each. His scheme had been interrupted 18 May 1839 when General Macomb had made a treaty by which it was supposed the war might be ended. On the contrary, with-

32. Roster of the troops in Florida at the time is shown in Sprague, *op. cit.*, 105; Heitman, *op. cit.*, II, 586-587 shows the authorized size of the Army as of July 1838; see also Francis P. Prucha, "Distribution of Regular Army Troops Before the Civil War," *Military Affairs*, XVI (Winter, 1952), 169-173.

in a month blood flowed again, and so the old round had commenced once more. It was in progress when Smith arrived very late in 1839.]

[Sometime after 10 October 1839] I now commence making preparations for Florida. 5th Nov. Bid farewell to my darling family and took charge of a detachment of recruits destined for 7th Infy in Florida . . . and on 17th assumed command of my own compy.

Picolata, E. Fla.

24th Jany 1840

. . . I trust you will hear something favorable of us;-as I have a company of nearly 60,-almost all fine fellows.³³ God grant that they may not leave their bones in this country. My next, God willing, will be written from Ft. Fanning . . . As I may not have an opportunity very soon of sending you another draft,-keep the whole of the one I sent you,-and let John Smith wait a little longer . . . I am told we are to try the blood hounds; -³⁴ if so we may have an opportunity of doing something. We have commenced our garden and had made ourselves quite comfortable when lo, - here comes this order and we are off . . .

Camp on the Wacasassa

Near Ft. Jennings, 29th Feby 1840

. . . You ask me if I have any curiosities for you. I answer yes. The most valuable is a hearty buck Indian whom I captured, gun, bow & arrows and all;-on the 25th while on a four day scout. Besides him I have a war dress of the great Tallahassee chief, Tiger Tail,³⁵ which I also captured in the same scout, - some of Mrs. Tiger Tail's dress, beads, etc - a pair of splendid bear skins, and other skins, and other little contraptions captured by myself . . . What do you think of all this? Besides which I was

33. The size of Smith's company shows clearly that only about two-thirds of the full strength of a unit could be placed in the field. The authorized number of enlisted men in an infantry company was ninety, see the chart in *The Army Lineage Book, volume II, Infantry* (Wash., D. C., 1953), 59.

34. For a sketch of the history of the bloodhounds in the Florida War see James W. Covington, "Cuban Bloodhounds and the Seminoles," *Florida Historical Quarterly*, XXXIII (Oct., 1954), 111-119; see also Sprague, *op. cit.*, 239-242.

35. There is some comment on Tiger Tail in Sprague, *op. cit.*, 99.

two days in pursuit of Tiger Tail, Lusty Hadjo ³⁶ . . . but missed them . . . But the best of all (and for which I feel thankful) in all my hard marchings, in wet and cold and heat, in sand and water,-through the hammocks, the cypress ponds, the saw grass marches, on the pine barren, eating nothing but hard bread & pork or ham,-my health continues good, my appetite ravenous. Our kind Heavenly Father preserves me from harm . . .

I have been more successful than any other troops for a long time; - and you may feel a proper pride . . . I know Henry will be tickled, although it appears no great matter to capture an Indian, still so many have failed to do so, - that it is in fact quite a feat; - and then the powder and lead I took from them;- a canister of rifle powder, - and a glass bottle of coarse powder,- with about two bushels of garden seeds I burned for them . . . a very great loss to them; one which cannot be replaced. This is the second camp I have surprised and taken property from. . . .

Camp on the Wacasassa
7th March 1840

. . . We have had nothing fresh for five or six weeks, - slab pork and ham all the time. Some potatoes at \$5.00 per barrel. We shall leave here for Ft. Fanning in a day or two . . . God willing three of our compnys will build quarters for our company at that place;-we then have about fifty miles of road to cut, - after that I hope we shall be ordered into summer quarters. It is very hard upon our men, after working as hard as they have for 6 weeks, now to be obliged to work six weeks longer in cutting roads . . .

Camp near Fort Fanning
17th March 1840

We are hard at work building quarters, - but we know not for whom . . . Could I get to Picolata, or some other pleasant station, I do think I could not live separated from you all . . . You ask me about the old soldiers. I have new ones, whom I trust to more than the old ones;- and always in scouting have two or three moving near me; and whose duty it is to keep near me.

36. I have not been able to identify this chief unless he was that one called Foke Luste Hajo in McKenney and Hall, *op. cit.*, II 179-180.

You have of course heard of my Indian prisoner, and all the plunder I captured from the red rascals . . . You ask if I have my cot with me, Certainly, - and a grand affair it is; - and my mess chest in which I carry my clothes as well as groceries . . . McKinstry ³⁷ says he will send for his wife if I will mine. But you *would not like the trouble, I am afraid*. So I told him before we gave the subject a thought we must see what kind of place we could get to put our wives in . . . I have a large piece of tarpaulin spread down always in the bottom of my tent, to keep us out of the sand . . . Some of the officers around here, particularly Dragoons, pretend to say that my Indian is so old he could not run. I tell them he could outrun them, and whip them too. Others say they *guess the dogs helped* me a little. I tell them the very supposition is a falsehood. In fact each one wishes it had been him who had made the capture.

. . . I go out directly after reveille each moring in charge of the shingle party; Kingsbury ³⁸ superintends laying the logs of the building; the young officers, two or three of them superintend the cutting of the timber . . . Genl. Wool ³⁹ inspected and reviewed our battalion day before yesterday . . . and said we appeared better under arms, considering our hard service, - than any other troops he had inspected in the territory. He thinks there is no prospect of our going north this summer . . . If you think I am not distressed at this separation from all I hold dear in the world, -- you don't know me. But I am here to earn bread for us all. I am here to support us all respectably. Oh how delighted I should be to see you all tonight. But I am here, uncomfortable, - wretched water, - eaten up by insects in an unhealthy climate, - suffering from heat, indifferent food, - scarcely any fresh meat, - and this to support my family. I say no more.

37. Justus McKinstry, second lieutenant, 2d Infantry rose to be a brigadier general of volunteers in 1861, and, for some reason was dismissed from the service on 28 January 1863, Heitman, *op. cit.*, 1, 674.

38. Julius J. B. Kingsbury, a classmate of Smith's at West Point, and, at this time, captain, 2d Infantry, Heitman, *op. cit.*, I,

39. John E. Wool, at the time Inspector General, a post he held from 1816 to June 1841 with the rank of colonel. He had however been brevetted a brigadier general in 1826 and was made brigadier general in the regular line 25 June 1841. He had a distinguished career which continued into the Civil War, see the *Dictionary of American Biography*.

Camp Wool near Ft. Fanning
22d March 1840

My dear son

. . . Oh how much comfort I could derive from the belief that my children (particularly my boy whom I told especially to be kind and obedient, affectionate and respectful to his mother) have remembered and treasured up all the advice which I have given them. Does my dear Joseph remember it all? Is he a dutiful affectionate son and nephew obedient to his mother and Aunt Louisa? Do you always tell the truth to them . . . and to everyone else? Answer me these questions, my son; - and while you do so be sure that the eye of God is upon you . . . Seek the favor of God and value it above any thing in this life. Remember how uncertain is life. Oh my precious boy do not trifle with your soul, or your God; - and so live that you may be prepared to die . . . My own love [part of the same letter]

. . . McKinstry has a prospect of obtaining a leave for a month to go and get his wife. If you could make a good disposition of our dear little Jo and Pamelia, - I believe I should say make your arrangements to come out with him too. But my heart almost bleeds to think of leaving them behind. What could you do with them? Would Hannah come with you? How could you make out without chairs or tables or bedstead or windows in your house? . . . If you should come (but I suppose you will not) you must bring six or eight pounds of tea, - fifty of loaf or lump sugar, - such dry goods (cheap) as you may wish to make up within a year; - for everything is dear here . . .

[Notwithstanding that Captain Smith was thirty-nine years old at the time there is a great deal of adolescence about the letters of 1840. One example is the boyish pride he displayed in his captive and loot. Another is his devious manner of wheedling his wife into doing what he wanted, that is into coming to Florida. Obviously he would have been hurt if she had refused to make the sacrifice. But she did not refuse. Although the letters do not tell the story, she arrived in Florida. Whether with or without the children is not clear. Later, however, another child was born to the Smiths while in Florida, and it died there. Its death produced the following poem by Lieutenant G. W. Pat-

ten ⁴⁰ who was surely poet laureate of the Florida War if anyone was. Pencilled on the back of one copy of the poem is the following sentence, "Mrs. Smith accompanied her husband through one campaign in the Florida Seminole Indian War but she always took the side of the Indians."]

The Burial of an Infant in Florida

A sound of wail swells on the breeze
Out from a southern glen
Where sunset through the dark leaved trees
Glittered on armed men;
Not there they came their swords of flame
To bathe in the battle tide
But to heap the mould on an infant cold
The wept of a warriors bride

Stern men were they whom many a field
Had heard in measured tread
Whom many a horn had roused at morn
To face the conflict red;
And they veiled their work from the wrath of them
Whose blood had stained their steel
And smoothed the ground with the halbert round
And trod it with armed heel

And they sprinkled the dust from the oak's old rind
And scattered the palm leaf's fan
Or friend or foe that none might find
That grave of scarce a span
But who art thou with the pale pale brow
And the watcher's dim lit eye?
And the mattock rang like a bow string's twang
While the voice of grief swelled by

I lay thee here my sinless one
I put thee down to rest
But not upon thine eider bed
Nor on thy mother's breast
Within this little grave they've scooped
Far in the forest wild
I lay thee here my precious one
I leave thee here my child

40. George W. Patten, first lieutenant, 2d Infantry. Poems by him are scattered through the *Army and Navy Chronicle* for years of the Seminole War. Indeed they found their way into gentler journals than the *Chronicle*. Three or four of them appear in the Religious *Souvenir* during the years from 1835 to 1846, a genteel periodical which was edited by Lydia Sigourney.

That thou art buried neath this spot
They say I must not tell
Not even to yon little bird
Which sings so wild and well
Nor to the rustling leaf nor stream
Which murmurs by thy head
Lest they should prate and forms of hate
Defile thy hallow'd bed

The clay is prest upon thy breast
But neither stone nor mound
Amid the wilds where thou dost rest
Mark out the secret ground
It is the work of anxious love
Yet I heave a deeper breath
So carelessly the dust above
Mantles the dust beneath

They've left no little sign for me
To tell where thou art cast
On earth there's not a trace of thee
My dearest and my last
The tawny foe may trail the doe
But not thy covert wild
I lay thee here my sinless one
I leave thee here my child

[Since Mrs. Smith was close by there were no more letters. Rut the following report, written in Smith's hand, is worth reproducing as it throws light on the conditions of campaigning at the end of the Seminole War.]

Report by Maj. J. Plympton,⁴¹ 2d Inf, comdg det. to Lt Co B. Riley ⁴² comdg 2d Infy, Palatka. [Dated at Volusia, Feby 11, 1842]

. . . As early the next morning as the guide could trail, the column was put in movement and at about 1/2, past 9 o'clock A.M. we came close upon their camp, first smelling and then seeing the smoke arising from a thick cabbage hammock. After I ordered

41. Joseph Plympton, who had been made a major in the 2d Infantry as recently as 22 September 1840, Heitman, *op. cit.*, I, 795.

42. Bennett Riley, lieutenant colonel commanding the 2d Infantry. He had been brevetted colonel on 2 June 1840 for gallantry in the Battle of Chokachatta, Florida fought on the day from which his brevet dated. He had a distinguished record in the War with Mexico in which he rose to be a major general by brevet, Heitman, *op. cit.*, I, 831; also the *Dictionary of American Biography*.

the front to halt, - and Lt. Penrose, actg Adj to hasten the rear to close up, - we then heard the Indian signal whistle, to take their position for action. No more than 20 minutes had expired before the rear was brought up, the line formed just in front of where the head of the column halted; - Capt Smith, with B company on the right with Lt. Sully ⁴³ & compny K and 8 men of Compy G on the left under 2d Lt. Martin, ⁴⁴ - and Lt. Penrose actg adj in the center, in one rank with 6 feet intervals, and the word given by me to "forward" - and I never saw men move with more alacrity and finer spirits, preserving the line at the same time; this too was done when every individual man when charging the hammock knew that he was to receive the enemy's fire from his position.

Charging through the outside border of dens [*sic.*] palmettoes and vines, from one foot to ten in height of about 70 feet in depth we passed through their camp where they had left most of their comforts in great confusion.

The first fire from the enemy was on the right which was very soon silenced by Capt Smith's command; - immediately upon which the attack was made from the center to the left of the line, accompanied by loud yells of the enemy, - which was returned by the soldiers with redoubled energy.

Capt. Smith, at this time, finding that the enemy had disappeared from before him, and that the firing was very heavy upon the center and left of the line, with that military presence of mind without which no man can act in an emergency with certain effect, changed the direction of the right of his company so as to bear down and take the enemy in flank. At this time, Lt Penrose discovered in his front some fallen cypress trees, - Smith a quickness of perception, coupled with a ready military expedient of character [*sic.*], ordered the men, advancing upon this breastwork to charge it by its flank instead of the front. At this moment the enemy opened a fire and fled which was so quickly returned by the soldiers that two of the Indians, who were shot down, were brought out into the pine barren . . . After the enemy

43. Alfred Sully, just graduated from West Point in the Class of 1841, and a second lieutenant in the 2d Infantry. He rose to be a brevet major general during the Civil War, Heitman, *op. cit.*, I, 935.

44. John W. Martin, second lieutenant, 2d Infantry since 1 July 1839, Heitman, *op. cit.*, I, 692.

had been flogged into silence and had lost himself to our view over a trackless space of deep cypress and saw grass swamp, Lieuts Martin and Sully maintained their position with firmness and coolness which are classed with the great requisites of the profession.

On this occasion I saw no man backward in his movements, but on the contrary, the report of the enemy's rifle was the signal note for each individual of the command to quicken his movement to the spot where the enemy might be found . . .

No doubt many of the enemy were wounded as the track of blood in various places was seen and followed up till they were lost in the saw grass and water. On this occasion every man was a soldier and in my opinion has a righteous or just claim upon the favorable acknowledgments of his government.

From the time the line entered the hammock in the charge till the enemy's fire was silenced was about 30 minutes; - and from the time it charged the hammock till the wounded were brought out, was about 45 minutes. From 1/4 past 10 A.M. till half past 2 P.M. the command was engaged in burying the dead and giving such surgical aid to serious wounds as cotton shirts found in the Indian camp would enable an excellent soldier (Corpl Brown) to perform. . . .

. . . If about six weeks of constant marching over the worst part of a bad country - and, on an average 2/3ds of the time in water, from ankle to waist deep; sleeping without fires at night with cheerful expressions, - and without a solitary instance of discontent, - entitles troops to the favorable notice of their superiors, then [these] are richly entitled to the reward.

[The action described occurred on 25 January 1842. It resulted in the defeat of Halleck-Tustenugee's band, the most formidable still at large.⁴⁵ It was one of the last actions, which might be called battles, to occur, for the Seminole War was declared officially at an end during 1842.

The fight itself can be said to have been typical. Notable in it was the battle line of a single rank with the men six feet apart. Such a formation was an improvisation resulting from the war, for no such formation can be found in the official *Infantry Tactics* manuals of the time.⁴⁶ The normal combat forma-

45. Sprague, *op. cit.*, 429.

46. Winfield Scott, *Infantry Tactics*, 3 vols. (New York, 1835.)

tion was still a line of two ranks with the men much closer, side by side, than six feet.

As for Smith, this report indicates that he showed good judgment and marked valor in combat. This trait reappeared during the War with Mexico, 1846-1848, in which he was brevetted major and later lieutenant colonel for gallant and meritorious conduct. Three severe wounds received at Churubusco, coupled with a tendency toward ill health acquired in Florida, forced him to be on sick leave of absence for eleven years from 1851 to 1862. Meanwhile he was retired on 25 September 1861 for disability, but this did not keep him out of uniform. From 1862 to 1866 he served as Mustering and Disbursing Officer for the state of Michigan, and in other military capacities in that area as well. On 9 April 1865 he became a brigadier general by brevet. He continued to fill various offices in the military service in the Great Lakes region until his death, at the age of sixty-seven, in Monroe, Michigan.]⁴⁷

47. Cullum, *op. cit.*, I, 312.

SOME LETTERS TO HIS PARENTS BY A FLORIDIAN IN THE CONFEDERATE ARMY

Transcribed by GILBERT WRIGHT

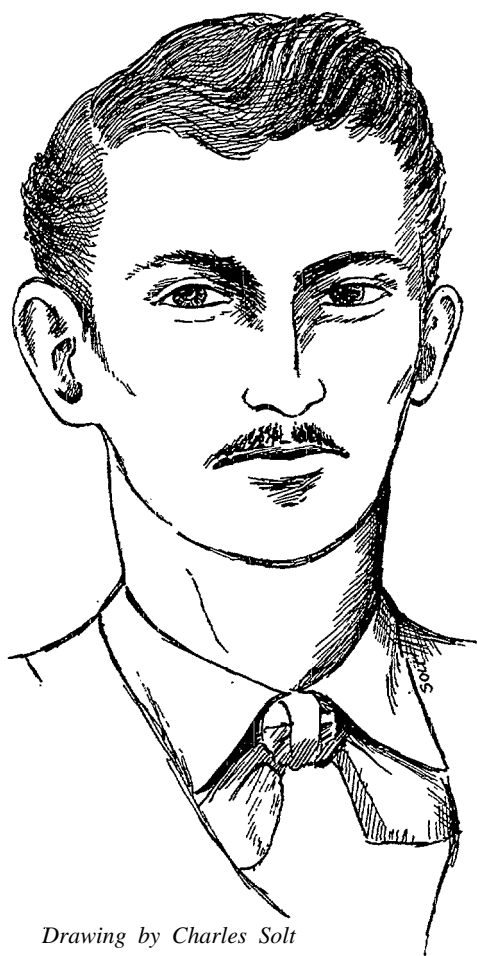
THE NINETEEN to twenty-two-year-old author of the letters that follow was destined, after the Civil War, to become a distinguished citizen of his native state. His death in 1908 was mourned by many hundreds "in all walks of life." He had been active for more than forty years in the railroad enterprise, so important to the development of Florida. His rise in a few decades from clerk to first vice president in the Florida railroad world gave evidence that he possessed qualities for leadership. One may perceive, without reading between the lines, that the young soldier had these qualities.

David Elwell Maxwell was born in Tallahassee, Florida, on February 25th, 1843. His father had come to Florida from Georgia during territorial days. The son received his elementary education in the city of his birth, and then was sent, in 1857, to Cambridge, Massachusetts where he attended high school. He returned to his home in Tallahassee in the fall of 1860, when war between the North and the South was imminent.

In the spring of 1861 David E. Maxwell volunteered his services to the Confederacy, and enlisted as a private in a company organized in Tallahassee by Captain Theodore W. Brevard. As a non-commissioned officer in the Second Florida Regiment he saw active service until 1863 in the campaigns in Virginia, Maryland and Pennsylvania. In that year he was commissioned captain in the First Florida Cavalry Regiment. He then served in the campaigns with the Army of Tennessee. In the Battle of Atlanta on July 22, 1864, he was seriously wounded and used crutches for some months after the War had ended.

The seven letters of Captain Maxwell that are here printed have been in the possession of his relatives and descendants since they were first written. Descendants now living in Cedar Key, Florida and in Jacksonville, Florida brought them to the attention of the transcriber, and generously gave permission for publication of these documents.

Considering their age most of the letters are remarkably well



Drawing by Charles Solt

DAVID E. MAXWELL

preserved. The even and highly legible penmanship, often set down under the most trying conditions, attest as clearly as the content to the unruffled serenity that characterized the mind of Captain Maxwell.

Since words are sometimes obliterated, particularly along the folds of the stationery, there are some gaps here and there in the messages. An eighth letter, dated July 5, 1862, is not included because the ink was so badly faded that a coherent transcription was impossible.

The transcriber has taken the liberty of making corrections in spelling or in verb tense in the few cases where this seemed to be desirable. For the most part these letters are free from any flaws of grammar. One notes with interest that several of the pages, and one entire letter, have superimposed lines written across the page at right angles to the message first set down on the sheet of paper. The neat penmanship of their author makes the reading of these "double pages" relatively easy. The script of a less careful penman, writing in this style, might easily cause dismay to its readers.

Camp Near Yorktown
Virginia, April 25th [1862]

Dear Mother,

I have not written for some time as our regiment has been in the entrenchments ever since the fight commenced and have had no time to write. I hear that letters are not allowed to leave here now, but I will write a few lines and run the risk of its going, as I know that you will be uneasy if you do not get a letter from me. There is no chance of our getting home until the war is ended, and we will organize new companies and regiment in forty days from the day the Conscript Bill was passed. I don't know who will be Colonel but I am afraid that Col. Ward will be thrown overboard. Capt. Brevard will be Major or Lieut. Col. beyond a doubt. I have no idea who will be our Company officers, but I think that our present Third Lieut. will be Captain, for I know that he can be elected to any position he aspires to. He and Capt. Brevard are the only ones that could be re-elected. If he should be elected [Col], No. 1 [I] will apply for a transfer. Don't say anything about what I have said.

The long talked-of and looked-for attack on Yorktown is at hand and judging from the preparation the enemy are making "the Waterloo" of the war will be fought on the peninsula. On Saturday (the 5th) the enemy made their appearance before our breast works and threw a perfect storm of shell and round shot into our lines until 4 o'clock P.M., when they drew off for the night, pretty well convinced that our gunners understood throwing shell. As the fight was kept up at long range and our boys were behind breastworks, only one of our side was hurt. (A Lieut. of Artillery stationed at Wynn's Mill.) The loss of the enemy must be great as they had no protection against the shell thrown from some twenty or thirty pieces of our artillery.

Shells were pretty freely exchanged for several days but nothing of interest occurred at our post until the following Friday when Col. Ward with his Brigade (our Regiment and the 2nd Miss. Battalion) drove away the enemies' sharpshooters, who had their rifle pits behind the fence enclosing a very fine peach orchard, which was about six hundred yards in front of our lines. We succeeded in driving them away, burning five or six houses that were occupied by their officers and the fence, and cutting down the peach trees. It was a pity to destroy such a fine orchard, but it was a protection to the enemy and we were in danger all the time they were near.

We had two men wounded at camp which is about twelve hundred yards from them. I see by their account of the fight that they had two killed and four wounded and that *we* were *busily* engaged the next day burying *our dead*. (We had four wounded, one from our regiment and three from the Miss. B.) They have been pretty shy since then and I hear that they (the sharpshooters) are down at Dam No. 1, where they are separated from our forces by a pond. We can't get at them and our cannoniers are in danger all the time of being taken off. On Wednesday (the 16th) they attempted to charge our works at Dam No. 1 three different times, but were repulsed with great loss. They commenced shelling very early in the day and kept at it until three o'clock P.M. when they charged. This and the next attempt were easily defeated, as they seemed only to be feeling our strength. The following attempt was their only chance and they fought like men who were determined to carry their point. They took a

redoubt in which were three Companies of the 2nd Lou[isiana] Regiment. The 15th North Carolina soon came to their assistance and drove the enemy away. It was in this charge that Col. McKinney of the 15th N. C. Regiment was killed. In charging the redoubt after the enemy had taken it, he saw that the right wing was rather slow and he rode up to them waving his sword and urging them on. This of course pointed him out as being our officer and sharpshooters fired at him, thinking that if he was shot it would throw confusion into his regiment, and give them time to reinforce themselves, but this only made them more determined. We took two prisoners on Thursday night while they were trying to cut the dam, and they said that out of four hundred of their Regiment (Vermont) that were in the fight on Wednesday only twenty got back to camp. If this is the loss of one regiment, what must be the loss of their whole force engaged? Our loss was twenty killed and seventy-five wounded. They tried to cut the dam three times on Saturday night but were driven off.

There has been no general engagement as yet, but shells are thrown at us every day. I saw one that was thrown from their gunboat at Yorktown; it measures 22 inches in length and 6 inches across. It was shot from a 42 pound rifle cannon at a distance of three and a half miles. Frank Baltzell has just received a letter from his father saying that Lawrence Anderson was killed at the Battle of Shiloh. It will be a dreadful shock to his family. Cousin Coe Footman was here day before yesterday. He only stopped a short time as he was in a hurry to get back to Richmond where George is. He is looking very badly, and I believe he was sick several days at Williamsburg.

We were relieved two days ago and go back to the entrenchments this afternoon. I think that it is hard that we should be kept so hard at work when there are thousands of troops doing nothing. I have the worst cold that I ever had. Do you think that the Conscription Act will likely get Mat Passy? Give my love to all friends and relations and accept a large share from

Your affectionate son,
D. E. Maxwell

Camp Chickahomma
Virginia, May 11th, 1862

Dear Mother,

You have no doubt heard that we have evacuated Yorktown, and you will see by this that it is so. We got orders on Friday the 2nd to be ready to march on that afternoon. We afterwards received orders to remain in our position until 8 o'clock P.M. of the following day, at which time we took up our line of march to the rear. We marched through Williamsburg on Sunday morning and camped three miles this side, where we remained until the next morning. The enemy attacked our rear guard very early on Monday, and our Brigade was sent back to engage them. We double-quickened five miles through mud knee deep and the consequence was we were not in a condition to go into an engagement. But *our gallant and brave colonel* [Ward] ordered a charge and we followed him, but not long was he allowed to lead us (and we could have followed him through thick and thin) for at an evil hour (and when we needed him most) a ball struck him under the left shoulder and came out on the right breast-killing him instantly, he never spoke.

The whole regiment was confused and every one of us mourn his loss. I *regret* that we could not bury him. Capt. Brevard, Eddie Houston, Cousin Mack and myself, with four others, took him from the field and carried him in a blanket to Williamsburg, a distance of two miles, and were until two o'clock trying to get his body in some friend's house. But I say, with the utmost contempt of the people of the town, that we *could not find one* house that would take his remains in. We finally took him into one and laid him out, and put a card on his breast telling who he was and asking them to bury him. Our regiment lost fifty-three or four in killed, wounded and missing. Our Company, one corporal killed and two privates wounded. Our loss in killed, wounded and missing can not be less than fifteen hundred. The loss of the enemy must be much greater - we took four hundred prisoners, and I hear that Gen. Sickles is among them. Gen. Johnston intends making a stand on this (Chickahomma) Creek, and we are expecting a fight daily. The regiment was re-organized this morning and the following officers were selected: Capt. Perry, Col; Maj. Pyles, Lt. Col.; Capt. Call, Major; Capt. Brevard ran for Lt. Colonel but was defeated and leaves us to-

morrow. Our Company officers are of the lowest kind, so much so that Lieut. Saunders (who was elected 1st Lieut) will not remain with them. A man by the name of Musgrove is Captain. I think that father has seen him for he was at Nym's Mill some time. One of the last things our poor Colonel and Capt. Brevard did for us was to get us transferred to any company we wanted to be in, so we are out of this disgraced Co. Capt. Brevard has been very kind to us, and now since he has left us I want to leave the regiment. Our boys are all well and in good spirit. I must now close. I have not time to [illegible.] We had a pretty hard time on the road and lived on parched corn and fat pork for two days. I hated to leave Yorktown but it was a necessity for we could not hold it after their gunboats had gotten in our rear, and they were certain to do that. Give my love to all friends and relations and accept the same from

Your affectionate son,
D. E. Maxwell

Direct your letters to Richmond in care of Col. Perry, Captain Mosely's Company 2nd Fla. Vols.

Camp near Richmond
Virginia May 20th/ 62

Dear Mother

You will see by this that we are encamped near Richmond, and did not make a stand at Chickahomma Creek as General Johnston had first intended for he saw that the enemies, gunboats could ascend far enough up the James River to throw troops in our rear. I believe that Genl. Johnston will make a stand here and defend the city at all hazard and we are *confident* that we can whip McClellan's army, now that we are out of reach of their water forces. I doubt whether they will attack us here until July or August. We went into the fight at Williamsburg very much exhausted. So much so, that a great many had to fall out of ranks when we made the first charge. We were placed in rather a bad fix as we were in the edge of the woods, within sixty yards of the enemy and the Ninth Ala. Regiment in front of us, so we could not fire without shooting our friends, and at the same time getting the full force of the enemies' fire, (which, by the way beat anything I ever imagined). Co. Ward

was in the act of giving the command to advance on a line with the 9th Ala. when he was shot. This threw our Regt. in confusion, and an Aid saying that we were flanked caused both regiments to fall back some two-hundred yards. We soon rallied and took our former position, but the 9th Ala. never did. Cousin Mack, Eddie, Frank B., Eb, John Cameron, Henry Damon, James Wilson and myself were the only boys from Tallahassee that were in the fight. Louis Gamble was in neither this nor the peach orchard fight. The enemy acknowledge a loss of 1,000 killed, 2,500 wounded and 600 taken prisoners and yet they claim a great victory. It was certainly a glorious victory for us. Our object in fighting them was to check their advance guard which we did, for they did not advance beyond that point. They say that they had 30,000 men engaged and that we had fifty thousand. Now this is false, for Longstreet's Division (15,000 men) and one Brigade (ours) from Hill's Division were the only troops engaged. The enemy took their position just before daylight and planted their cannon in a field about three hundred yards from the woods, they also got possession of a - Redoubt on the extreme left. The 5th N. C. and the 18th Va. Regts charged this redoubt three times across a piece of ploughed ground, but could not take it; they lost a great many. The Ala., Georgia, and Va. troops made several charges that were irresistible, and took several of their best batteries. It was certainly a complete victory for us, for they had possession of the field in the morning and at night after eight hours hard fighting we had undisputed possession of the entire field. Troops that were at the battle of Manassas say this was a harder fought battle than that was. We have heard by surgeons that remained with our wounded at Williamsburg, that Colonel Ward's remains were buried in the cemetery. We have lost everything except a change of clothes and a blanket apiece. We are getting along finely in our new Company. I wish that I could get a transfer to the Fifth Regt. for I am sick and tired of this one. Tell Brother that he must not wait for me to answer his letters for have not time to [write] more than one letter. Capt. Brevard and Col. Rogers are in Richmond trying to get away. Col. R. is a gallant and brave officer and it was a most ungrateful thing in our not electing him Colonel of this Regt. Cousin Mack, Eb and myself

were the only ones in the Sixth Company that voted for him. My friends have left us and I want to get away from Virginia as soon as possible. I am tired of Va. mud and want to go to Corinth. Beauregard and Price are my favorite Gen'ls and would like to fight under them. I have written all the news and will now close. Excuse the writing for I have very poor accomodations. Give my love to all friends and relations. The boys are well and unite with me in love to you all.

Your affectionate son,
D. E. Maxwell

Camp Near Richmond
July 29th, 1862

Dear Mother,

Your letter of the 15th ult was received a week ago today, ten days after I got the one written a week after. I have been looking anxiously for one this week, but as the mails are so irregular and slow I do not feel uneasy on your account. I have been on the sick list ever since I left the Regiment until a few days ago, suffering with the fever and diarrhea, a disease that is very prevalent among the troops stationed around Richmond. Having the fever so regular is pulling me down by degrees, and I shall do my best to break them by taking quinine several days before I expect a return. I could have gotten a furlough when I was at the hospital but I did not think that I was sick enough to leave the Regiment, and more particularly at that time, when we were expecting great events to transpire at any time. Now since things are changed and no prospect for an immediate engagement, I would like very much to get a short furlough of 40 or even sixty days, to visit you all, but there is no such good luck for me. I have very little hopes of being allowed to go home until the war is ended, for all the furloughs and transfers have been stopped, and there is not the least chance of the 2nd Florida Regiment being sent home, for I heard Mr. Mallory say that he had proposed to the Secretary of War to send on two or three more Regiments from Florida and form a "Brigade of Floridians." Gov. Brown was out to camp several nights ago and made a speech in which he complimented and thanked us for the good name we had won for our State. Mr. Wilson stayed a day and

night with us, he leaves for home on Monday, will come out to camps to-morrow to see us and get all letters we may have to send home, he is looking well and just as he did when we left. Why didn't you write by him? It would have come through in four days, instead of no telling how long. I hear that the Eighth Regiment is ordered on here, and I am glad of it, for there are several boys in it that I want to see. And because they joined for home Service, I think it is a shame for them to elect Gen. Floyd, after Capt. Amaker went to the trouble of raising it. I wrote a long letter to each of the following named boys three or four months ago but have not received an answer from either of them. There is some excuse for Hardy and Willis Denham for they were in active Service, but Tom Footman had time to write before he left for the field of action. In Monday's fight, while we were charging through a piece of hammock land two wild turkeys flew up in front of our Regiment. They had scarcely gotten above our heads before one of them had his head taken off by a grape shot. Lieutenant Hampton, of Capt. Parkhill's Company, had charge of the ambulance Corps which kept in the rear of the Regt to take care of the wounded and he got the turkey and had him for dinner next day. I got a piece. Several deer have been seen by our men as we charged through large hammocks and swamps. Col. Perry leaves for his home this afternoon. I believe he intends going to Alabama where his wife is staying at present. He is a brave, generous and cool commander. He is a good officer and he enjoys the full confidence of his entire command, if we should lose him I do not know what would become of us. Capt. Mosely is in command of the Regiment, is a good officer but too young to have so much responsibility resting on him. Our first Lieut died of wounds received at the battle of Seven Pines. The 2nd Lieut was severely wounded in the same fight and it will be a long time before he will be well enough to take command of the Company. So we are under the third, and a very poor officer he is. When Capt. Mosely is absent the Regiment is under the command of the *accomplished* and *high toned* Captain Musgrove of the old Sixth Company. This is one of the reasons that I want to get out of the regiment, for I cannot obey an officer that I can't respect. I am tired of running around in the Virginia mud after the enemy, and want to get a four legged animal to

do the rest of my soldiering now. I would prefer picket duty twice or three times a week, to fighting all day and pursuing the foe at night through mud half knee deep, and then we don't have so much fighting to do. Tell Mr. William Taylor that Capt. Mosely got a letter from Mr. Hatch a few days ago saying that he was at Hampton and had entirely recovered from his wound, was in excellent health and had a good time generally. I think I will write Grand Father a letter and enclose it to Mr. Hatch and get him to mail it for me in Hampton. Have you ever gotten an answer to the letter I mailed in Yorktown? Does Miss Ellen hear from home yet? I see by the papers that Mr. Lamb of Massachusetts, a telegraphic operator on General McClellan's staff was taken prisoner in the recent engagement. If I knew that he was a relation of the Lambs of Beverly I would try to see him. The non-Conscripts have to stay in ninety days longer than they first thought. Tell Eb that he must write and tell me all about the young ladies. Clothing is selling at the most exorbitant prices in Richmond. Remember me to Mrs. Croom and family and ask her to tell Hardy to write to me. Cousin Mack is still in town but will be out in a few days. The rest of the boys are getting along finely. The boys unite with me in love to you all. Give my love to all friends and relations, and accept the same

From your affectionate son,
D. E. Maxwell

Bivouac Perry's Brigade
Few Miles north-east of
Chambsburg, Penn, June 28th 1863

Dear Father,

We are now halted for the purpose of cooking up three days rations and as we will in all probability remain here until tomorrow morning, I will write a short letter so as to avail myself of the first opportunity that offers of sending it through. We are entirely in the dark as to General Lee's object of this move, and more so (if possible) as to his future plans and operations. He has so far succeeded in deceiving Gen. Hooker that we have gained about two weeks on the latter General. We are now taking our time, marching from twelve to fifteen miles a day. The capture of Winchester and the greater part of the Brute Melroy's forces

by General Ewell Corps is certainly one of the most brilliant achievements of the War. It shows that the Spirit and energy of Jackson still lives in his successors and in the old Corps. On Friday the day that the enemy crossed over the South side of Rappahannock for the third time, General Ewell's Corps left Fredericksburg. On the following Thursday he was at Front-Royal, twenty five miles south of Winchester. Friday he was idle, giving his men time to rest. Saturday he ordered General Jenkins Cavalry to advance and skirmish with the enemy, and directed him not to be too bold, but if the enemy pressed him, to fall back precipately. This deceived the enemy for he sent several dispatches to Milroy, saying that we were in a small force, but would not stand cold steel. Saturday night Ewell threw his forces around the town, and before sunrise he demanded the surrender. Milroy thinking that it was only a force of Cavalry and that we were playing a bluff game, replied that he would not surrender and if the attack was made, he would burn the city. General Ewell replied that he intended to take the works by storm and if any of the Commissary or Quartermaster's stores were destroyed, or any houses injured in any way he would retaliate by hanging every man he captured. Before night we had taken possession of the principal redoubts - the enemy taking shelter in the city. Next morning (Monday) the garrison surrendered but we lost the *Brute*. We captured between six and eight thousand prisoners, twenty-seven pieces of artillery; twenty thousand stands of small arms and a large supply of Quarter Master and Commissary stores. Stuart fought Stomman for two days, but I have not heard any of the particulars. The citizens in this state were completely taken by surprise and are nearly frightened to death. They think that we will devastate the whole country in retaliation for the injury they have done us. They sell us any thing we want, butter 12 1/2 cts per pound, chickens 15 ct, and eggs 10 cts a dozen, other things in proportion. General Lee's orders are very strict against committing any depredation upon private property. Gen Ewell's Corps is in the advance and is in the vicinity of Harrisburg. General McClellan is in command of a large force of militia at the last named place. Hooker's army is supposed to be near Washington and Baltimore. The citizens declare themselves to be sick and tired of the war. They had no idea that we

had as large an army as we have. I hope you will hear good accounts from us before long. Give love to all friends and relations and accept the same for yourself and family from

Your affectionate son,
D. E. Maxwell

[In pencil, on back of last page of above letter:]

Bivouac near Hagerstown
Maryland, July 8th, 1863

By looking at the date on this page you will see that more than a week has passed by since I wrote the first three pages. We remained near Chambersburg three days awaiting for Longstreet's corps to come up, and to allow Ewell's corps which was in the vicinity of Harrisburg to return and join us on the Turnpike from Chambersburg to Baltimore. On the fourth morning our army was in motion, enroute for Baltimore. Ewell in the advance - Hill in the centre - and Longstreet in the rear. Our advance met the enemy in force three miles in front of Gettysburg, and after a desperate fight of four hours drove them half a mile beyond the town. Night coming on, the opposing generals busied themselves in getting their forces together and forming line of battle for the fight of the 2nd July. The fighting was the most desperate of the War (the enemy fighting much harder on their own soil, and having the best position imaginable) but not decisive, at night the lines were pretty much the same as in the morning. With a few positions we gained. Three brigades of our division (Wilcox's, Wright's and Perry's) were engaged. They charged the enemy's principal heights and succeeded in taking them with forty pieces of artillery, but they were not supported in time and consequently had to fall back. The next day (3rd July) the fighting was terrible and with the exception of few positions gained by us, things remained as they were the night before. On the fourth of July there was very little fighting. Gen. Lee was occupied all day in changing his front. On the fifth there was no enemy to be seen. Why Gen. Lee did not pursue them I can't tell. Reports say that we are going to Frederick City. Our Brigade was in the fight of the 2nd and 3rd and lost very heavy. We now have only 150 men in the entire brigade. Among

the killed in our Regiment are Capt. McCasland, Capt. Jerkins, Lieut. Shealy, and Charley Johnson, the 5th Captain Frink, Lieut. Joel Blake, Lieut. Adams and Dick Hart. There were a great many killed but I have not room to name them. Among the wounded are Major More, Capt. Ballentine, Capt. Mosely, Lieut Hampton, Riley, John D. Perkins, Willie Bull, Jule Patton, George Footman, Capt. Gardner, Capt. Baily, Tom Hines, Lieut Peeles - these were all taken prisoner. I will now close as the mail leaves in a few moments. George Footman was wounded slightly in the foot. Give my love to all and accept the same for your self and family from

Your affectionate son,
D. E. Maxwell

Camp near Martinsburg
Virginia, July, 12th, 1863

Dear Mother,

You will see by this that we are once more on Virginia Soil, and I do sincerely hope that we will never cross the Potomac again, unless we have transportation sufficient to keep us supplied with ammunition - for it was the scarcity of it that prevented General Lee from following the retreating columns of the enemy and made it necessary for him to fall back to Hagerstown and await patiently the advance of the enemy. We remained there a week, when it was found out that we could not subsist on the enemy's country, and that it was impossible to obtain subsistence from across the river, which by the frequent heavy rains has swollen to a greater depth than it has done for several years. The fords opposite Williamsport which are generally not more than knee deep, swam horses three days ago, and yesterday when we crossed, it swam a great many mules and damaged some ammunition. Several small mules were drowned by the wagons striking large rocks, while they (the smaller mules) were in swimming water and they were so exhausted before they could be gotten out of the harness that the current, which was very rapid, swept them down stream. Several wagon bodies floated away also. These I suppose will bring up against our pontoon bridge which is four miles below Williamsport. Most of our troops crossed the bridge last night, the rest are crossing this morning. I see in our papers

extracts taken from Northern Journals claiming a great victory at Gettysburg and also giving an account of that *disorder* and *confusion* attending our *precipitate retreat*. Their right to claim a victory I will dispute below, and will only say that so far from our movement being conducted in the manner stated by them, that we took our time, marching forty miles in ten days, that we brought away some four or five thousand of our wounded, also forty-five hundred prisoners including one Brigadier General, and a great many field and staff officers. We paroled about the same number, but these refused to be, as they preferred taking their chances of getting away. I hope they will have a pleasant time marching to Richmond. We brought off a great many horses and beef cattle. We lost some twenty or thirty wagons that were destroyed by their cavalry. Our line of battle in the three days fight fronted South-east and on Friday night and Saturday Gen. Lee changed his line so as to front north. To do this he withdrew the left wing of his army and advanced the right, by this move the left wing which heretofore extended through the out skirts and north-east of town, now extended a half mile south of town and consequently threw our wounded that were in town in the enemy line. Their papers state that they occupied the town by twelve o'clock Friday night. This I know to be false for I was at our Division hospital all night, leaving there some time after day light. There was no fighting on Saturday and on Sunday our army was in motion. Alex. Bull, who was on picket Saturday night, says that there were no enemy to be seen on Sunday morning. We have had no fighting since Friday with the exception of several cavalry engagements in one of which General Wade Hampton of South Carolina received three sabre cuts across the head. I have just seen a Richmond paper of the 10th inst. confirming the report of the capture of our "gallant little city of the Hill." It is certainly a very severe blow to us, for in all probability our communication with the West will be certainly cut off by the evacuation of Port Hudson. This will also cause the greater part of Mississippi and Alabama to be evacuated by our forces. Its fall at this time was very unexpected, for we have had such encouraging news from there, and some from offices high in command that there was a supply of provisions sufficient to last until October, that we were sanguine as to the result. The

only benefit they will receive from its fall will be the moral effect, as it will have a tendency to encourage their administration and pacify the Northwest. This will only be for a short time as they will see that nothing can navigate the Mississippi with any safety but their ironclad gunboats. The operations of our forces in the west have been but a series of disasters with a few exceptions. Taking away the operations of the army of Northern Virginia and our Record will be dull indeed. If they had performed their part as well as we have ours, there would now be a bright prospect for peace, but as it is, there is none whatever. I am very anxious to get my commission but doubt very much if I get it for several weeks. When we passed through Charleston on our march from Mount Royal to the Potomac, I stopped and saw Gov. Brown's family. They were very kind and insisted upon my coming to see them, and gave me an urgent invitation to stay with them if I got wounded or was taken sick. They wanted me to stay all night with them but I could not. Mrs. Brown gave me a lot of coffee and sugar to take with me for our Brigade, numbering from 250 to 300 men for duty. The Northern papers speak of the desperate charge of our center on Thursday and Friday. They think that Longstreet's forces were in the centre.

I suppose that you are now enjoying fine watermelons - if so - eat an extra piece for me every day. Tell Sal that she must eat an extra saucer of curd and charge it to me. Give my love to all the young ladies, Mrs. Ames' family, Mrs. Croom's family, and tell Hardy to write me. Tell Cousin Mary Footman that George was slightly wounded in the foot. He was with me at the wagons until Friday night when all the wounded were ordered to be sent into the hospital. I wanted him to remain with me, and if they had permitted him to do so, he would not have been taken prisoner, and in all probability would be ready for duty. George says that this fight sacrifices him. Alex was uneasy all the time we were in the enemies' country. It was impossible for me to get him two hundred yards from the road. He is more delighted the farther South we go. I will now, close with love to all friends and relations. Accept the same from

Your affectionate son,
D. E. Maxwell

Bragg Hospital, Ward 5
Newnan, Ga., May 29/64

Dear Father,

Here I am shut up in a room with three other sick ones but Albert Drysdale being one of the number makes it much more pleasant than it otherwise would be. I have had two days rest and feel much better, but Dr. Steele thinks it will be some time before I will be in a condition to warrant my returning to the field. I hope that as my disease has not been running {too} long to be able to check it in time for me to command my Company in the general engagement expected. I regret very much having to leave the boys just at this time, for I believe that they would rather have me with them in time of battle. At any rate, I would prefer it, knowing that no one would feel the interest in them that I do. Most of my Company are good soldiers, cheerfully obeying all commands. There are some few who will shirk duty, and you will find them in all commands. All of the surgeons of this place went to the front this morning in compliance with a dispatch received last night from the Medical Director of the Army. This indicates a general engagement, but as yet we hear of nothing more than heavy skirmishing all along the lines. Whenever the struggle comes I feel confident of success. We have a large army and all are in fine spirit, although it has been somewhat dampened since we left Dalton, but still the confidence in our chief is unshaken by a move calculated to discourage troops, and on the other hand has increased by his action of each succeeding day. This retreat has been a masterpiece of generalship, we falling back slowly giving ample time to the citizens to move all things into the interior, and while we have presented a bold front by offering battle on several occasions, each time repulsing handsomely and with great slaughter the charging columns of the deceived enemy. At the same time defeating every attempt to cut our communication, that being now protected. Gen. Johnston has issued his battle order - telling us that he will now halt, about face and meet the advancing columns. There are quite a number of wounded and sick soldiers at this place and seem to be getting along finely. This ward is known as the Florida Hospital. There are men from all parts of the country here at present. Dr. Steele, formerly Surgeon of the 3rd Regiment, has charge of it, and is

very attentive to all. Mrs. Harrison of Monticello is matron and is kind and attentive to all, particularly to Floridians. I have been very fortunate in getting in the hands of Dr. Nash and Lady last Fall and now with Dr. S. and Mrs. H. I saw Dr. Nash in Atlanta on my way here, he had not been assigned to duty since he left Cassville, but expected to establish his Hospital at Thomaston, a station on the railroad between Griffin and Macon. He was very anxious to have me with him and said that as soon as he got fixed he would let me know and try to get me transferred. He has certainly been very kind, and I wish Father that you would put up - if you have an opportunity - a lot of fish this fall for him. Mrs. Nash says that she is very fond of them. I will now try and give you a partial account of our works since we moved out of winter quarters. Several times prior to the 7th of May we were ordered out of our little towns of log huts to meet the enemy, and as we thought to return no more, but each time, much to our surprise, we were allowed to return to camp. On the 5th and 6th heavy firing was heard in the direction of Ringgold and it was ascertained that the grand army of Sherman was advancing slowly but surely on our position in front of Dalton. On the following morning our Army bade farewell to the little huts, and was thrown into position two miles beyond Dalton. Our line forming a crescent or-perhaps it would more properly be called a horse shoe-the left resting at Dugout Gap on the west, and extending to the right and terminating at the "New Spring Place Road" on the north-east. The enemy made their appearance late in the afternoon and were busily engaged maneuvering until night put a stop to all further operations. During the next four days the enemy made several attempts to force our line at several different points, most of which were feints to draw our attention from the real purpose, which was to force our lines at Mill Creek Gap, - (Through mistake I spoke of this as Buzzard Roost Gap in my former letter). They losing heavily while our loss was comparatively small, from the fact that we were protected by breast-works. While in this position we were obliged to keep half of the companies up, so that by the time the retreat began we were pretty well worn out. On Wednesday while on a scout I killed two of the "Blue-birds," I shooting one of them myself. Thursday night we commenced moving Southward and continued marching

until late in the afternoon of the next day, when we formed line of battle in front of Resaca. I with my own and two other companies were sent out on picket a half mile in front, with orders to hold our line against any line of skirmishers the enemy could bring up against us. I went immediately to work building breast-works to better enable me to hold my ground. The enemy however did not make their advance until next day at 10 o'clock, and then not against my pickets for I had been relieved by Captain Smith of the 7th Regiment just in time to gain the breast-works (those built by the Brigade) when I heard the skirmishers becoming engaged all along the lines. Then the enemy succeeded in driving in with a heavy line of battle, but not until we had inflicted a pretty heavy loss. Two days (Saturday) and the next, there was pretty heavy fighting, the enemy making a number of desperate attacks, but were repulsed with great slaughter; particularly on our right in front of Stevenson's Division, Hood Corps, where they charged in five lines. Our men being behind breast-works our loss was very small. Our Regiment lost between thirty and forty, the other parts of the Brigade losing in about the same proportion. Here Gen. Finley was struck by a limb cut off by a cannon ball, and pretty severely wounded. He is now at the hospital. Soon after dark we again commenced the retreat, stopping next (Monday) afternoon in front of Calhoun and fought. Our Division was not engaged. Soon after dark we again took up the line of March and reached Adairsville, about noon of the next day. Here we were resting very comfortable until 4 o'clock, when we were startled by the report of muskets on our rear, and the command "Attention." Line of battle was immediately formed and everything had the appearance of a big fight. The enemy advanced against our line, but only with skirmishers. I was again sent out on picket. The army left soon after dark but the picket did not withdraw until just before daylight. I rejoined the regiment Wednesday in bivouac between Kingston and Cassville. No fighting today. Early next morning I was sent out to relieve Capt. Smith, who was on picket the night before. About 10 o'clock I was relieved, and sent out again between eleven and twelve in command of six companies. I suppose that I had been out nearly two hours - heavy skirmishing all along the lines - when I received orders to report to Cass Station. Our army had withdrawn

leaving on a line of skirmish us in front of the enemy. This was a bold {word omitted} but was successful. At the latter named place we had a very severe fight and before dark, as usual, we commenced moving as soon as it was night, and next day (Friday) crossed the Etowah River. After marching three miles beyond we halted and here rested until Monday afternoon, when we took up the line of march to the west, in the direction of Dallas, Georgia. Arriving at the latter place late Tuesday night during a severe rain and thunder storm, we formed a line of battle. No fighting up to twelve o'clock next day at the time I left. From the 7th to the twenty-fifth there was only two nights that my rest was unbroken. I was on duty all the time. When not in command of my own company, I had others out. When I asked why it was that I was kept on duty, was told by Col. Bullock, commanding the Brigade, that he did not know the reliable officers of the flank companies. This was paying me a compliment, but one that I paid dearly for I assure you, as it broke me completely down. Do you wonder at that? I think that Gen. Lee will soon place Gen. Grant in his true light. Albert Drysdale begs to be remembered to you, Mother, and all other acquaintances.

Give my love to all friends and relations, and accept the same from your affectionate son,

D. E. Maxwell

THE FLORIDA SECESSION CONVENTION

by RALPH A. WOOSTER

THE SECESSION movement of 1851-52 received little support in Florida. Although the Compromise of 1850 was never very popular in the state, a majority of the citizenry accepted it as a solution to the sectional controversy. An indication of this sentiment was the re-election of Representative Edward C. Cabell in November, 1850, over Major John Beard. Cabell, who had voted against the Compromise proposals in the House, favored acquiescence to them once they had passed; Beard, the Democratic candidate, had stated he would resist the Compromise to the end. Cabell's re-election was a victory for Florida unionists.¹

Events of the 1850's increased the strength of the secessionist movement in Florida. The nomination of Winfield Scott by the national Whig Party in 1852 was a serious blow to the conservative forces, for Millard Fillmore was the popular favorite. Scott's nomination marked the beginning of the end of the Whig Party in Florida; after 1852 the radical Democrats dominated state politics.² The Kansas-Nebraska Act, John Brown's raid, and finally the disruption of the national Democratic Party only served to increase the agitation for secession.

The presidential election of 1860 was the last step needed to assure the secession of Florida. Although Breckinridge carried the state by over 3,000 votes,³ Lincoln carried the nation, and Florida prepared to secede from the Union. Already South Carolina had called a state convention, and Governor M. S. Perry, a

1. Dorothy Dodd, "The Secession Movement in Florida, 1850-1861," Part I, *Florida Historical Society Quarterly*, XII (July, 1933), 10-12. Another indication of unionist support was the defeat of Senator David Yulee for reelection that same year. Yulee, who opposed acceptance of the Compromise, was replaced by Stephen R. Mallory, a proponent of the Compromise. No convention was held in Florida in 1850-51 to consider secession, although Southern Rights groups held meetings in Gadsden, Leon, Jefferson and Madison counties.
2. Dodd, "Secession Movement," Part I, *Florida Historical Society Quarterly*, 14. For the role of the American Party in Florida, which inherited the old Whig following, see Arthur W. Thompson, "Political Nativism in Florida, 1848-1860: A Phase of Anti-Secession," *Journal of Southern History*, XV (February, 1949), 39-65.
3. *Tribune Almanac* (New York: New York Tribune, 1861), 63, gives the totals as 8,453 for Breckinridge, 5,437 for Bell, and 367 for Douglas. Bell carried four counties, all of which elected co-

radical secessionist, urged the Florida legislature to call one. The legislature promptly passed a convention act, setting December 22 as the date for the election of delegates to the convention that would assemble on January 3 in Tallahassee.⁴ Florida meant to support her sister states in the secession crisis.

The campaign for election of delegates was relatively uneventful. The only question was whether secession should be by immediate, separate state action or in conjunction with other slaveholding states. The immediate secessionists were victorious in most of the county elections, winning control of about 60 per cent of the seats of the convention.⁵ The Florida convention assembled in Tallahassee on Thursday, January 3, 1861. The sixty-nine delegates represented the various sections of Florida society and economy.⁶ They were, to begin with, a middle-aged group, averaging 42.5 years (median 43 years). Twenty-one delegates fell in the 30-39 age bracket, and the same number in 40-49 age bracket. Fourteen delegates were aged 50-59, seven under 30 years, and five over 60 years.⁷

The delegates varied widely as to place of birth. In fact, sixteen states, the Bahamas Islands, and Ireland had natives in the convention. Only seven delegates, or 9.9 per cent of the whole,

operationists to the convention of 1861. In one other county (Liberty) Breckinridge and Bell were tied in the popular vote; this county was also co-operationist in 1861.

4. *A Journal of the Proceedings of the House of Representatives of the General Assembly of the State of Florida, at its 10th Session, begun and held in the capitol, in the city of Tallahassee, on Monday, November 26, 1860* (Tallahassee: Dyke & Carlisle, 1860), 8-12, 30-34. A motive to delay the date of assembling to January 17 was defeated by a 31-14 vote.
5. Dodd, "Secession Movement," Part II, *Florida Historical Society Quarterly*, XII, (October, 1933), 55. General R. K. Call, an old friend of Andrew Jackson, toured the state speaking for the preservation of the Union. See his "An Address to the People of Florida," a thirty-five page pamphlet denouncing secession, published in Philadelphia in 1861.
6. Actually, there were seventy-one members because A. J. T. Wright of Columbia was contesting the seat occupied by John W. Jones, and R. R. Golden of Holmes was contesting the seat occupied by Richard D. Jordan, and were both allowed on the floor. On the fourth day of the session Golden was given Jordan's seat, and on the seventh day Wright was given Jones's, although Jones had already voted on the secession ordinance. Since all four were actually present they are all counted in the following analysis of convention personnel.
7. Based upon Appendix I, which gives information on delegates taken from the manuscript returns Eighth Census of United States, 1860, I, *Population*.

were natives of Florida. Georgia, the birthplace of twenty-two of the members, ranked as the leading place of birth for delegates. South Carolina, the birthplace of fourteen delegates, or 19.7 per cent of the convention; North Carolina, with seven delegates, or 9.9 per cent of the convention, born there; and Virginia, with four delegates, or 5.6 per cent of the convention, were the other leading places of birth for convention delegates. Two delegates were born in Tennessee, and one each in Alabama, Mississippi, Kentucky, Maryland, Pennsylvania, Indiana, Vermont, Massachusetts, Connecticut, Maine, the Bahamas, and Ireland. The birthplaces of three members of the convention have not been determined.⁸

Twenty-five, or over one-third, of the delegates at the Florida convention were enumerated as farmers in the Census of 1860. Ten members were merchants in 1860, seven were lawyers, seven were planters, and four were physicians.

The delegates to the Florida convention of 1861 possessed a total of \$752,055 in real property, or an average of \$11,224.70 per member. In personal property the delegates held a total of \$4,504,909, or an average of \$67,535.95.⁹ These averages are deceptively high - especially on personal property - owing to the presence of a few extremely wealthy individuals, notably E. E. Simpson of Santa Rosa, whose total wealth in the 1860 census was listed as \$2,530,000.¹⁰ The median property holding, which was \$7,000 for real and \$15,000 for personal, is probably a more accurate gauge for the Florida convention. It should also be pointed out that all members of the convention were not wealthy. According to the census returns thirty delegates held less than \$5,000 each in real property in 1860, and several had less than \$1,000 each in total property.

8. See Appendix I.

9. The averages for real and personal property are based upon figures available for sixty-seven delegates found in the manuscript census returns.

10. Considering the nature of economy in Santa Rosa county the property listed by the census enumerator for Simpson seems rather high. Information concerning Simpson, other than the census material, is fragmentary but see James Boyd, "Fifty Years in the Southern Pine Industry," *Southern Lumberman*, Vol. 145 (Jan. 1932), 23-24. The writer is indebted to Mr. Nollie W. Hickman of State Teachers College, Florence, Alabama, for calling attention to this article.

Fifty-one of the delegates to the convention held slaves in 1860. The average holding for the entire convention was 26.7 slaves (median 10 slaves), or, for the slaveholders alone, 35.6 slaves (median 16.5 slaves). Twenty-six members, or 36.6 per cent of the convention, held 20 slaves or more, and were thus in the "planter" class, while eleven members held 50 slaves or more and were in the "large planter" class. The two largest planters at the convention were G. W. Parkhill and George T. Ward, both of Leon, who owned 172 and 170 slaves respectively in 1860.¹¹

The typical delegate to the Tallahassee convention was thus either a farmer or a merchant by profession, aged forty-three years, born in one of the states of the Deep South (most probably Georgia), a small slaveholder, and worth about \$25,000 in 1860.

The first action of the convention was the election of John C. McGehee as permanent president. His choice on the first ballot with only ten dissenting votes indicated the strength of the secessionist group, for McGehee, a large slaveholder, had been a leader in the Florida Southern Rights movement of 1851.¹²

After adopting rules of procedure, the convention welcomed onto the floor E. C. Bullock of Alabama, and L. W. Spratt of South Carolina, commissioners from their respective states to Florida. On January 7 the convention heard speeches by these gentlemen, and by the noted Virginia secessionist Edmund Ruffin, who was a visitor to the city.¹³ All three urged the immediate secession of the state, and did much to arouse the gallery audience.

Even before these addresses, McQueen McIntosh of Apalachicola, who had resigned his federal judgeship upon the election of Lincoln, had introduced a resolution declaring the right of and necessity for secession. The co-operationists attempted to

11. For holdings of individual members, see Appendix I.

12. Dodd, "Secession Movement," Part II, *Florida Historical Society Quarterly*, 60; *Journal of the Proceedings of the Convention of the People of Florida, Begun and Held at the Capitol in the City of Tallahassee, on Thursday, January 3, A.D., 1861* (Tallahassee: Dyke & Carlisle, 1861), 6.

13. *Journal of the Convention*, 12-15. For Ruffin's part at the convention, see "Edmund Ruffin's Account of the Florida Secession Convention, 1861," *Florida Historical Society Quarterly*, XII (October, 1933), 67-76.

amend the McIntosh resolution so as to refer any possible action to the people and to wait until Georgia and Alabama had acted. They were defeated by a 43 to 24 vote, and the McIntosh resolution passed by a vote of 62 to 5.¹⁴ A thirteen-man committee was thereupon appointed by the president to prepare an ordinance of secession.¹⁵

The Committee of Thirteen presented on Wednesday, January 9, its report calling for the immediate secession of Florida from the Union. George T. Ward of Leon county then moved that the secession ordinance presented by the committee should not take effect until after the "action of the conventions of Georgia and Alabama."¹⁶ Certain of the co-operationists felt that Ward's delaying amendment was too vague, and A. K. Allison of Gadsden moved to amend Ward's proposal so that the ordinance of secession should not take effect until Georgia and Alabama had seceded. Allison's amendment provided, furthermore, that if Georgia and Alabama refused to secede Florida's secession ordinance would not take effect until the people should approve it by a direct vote. The immediate secessionists would accept neither amendment, defeating Allison's motion by a 42-27 vote and Ward's by a 39 to 30 vote.¹⁷

The co-operationists made other efforts to delay secession, but to no avail. Following the defeat of his original proposal, Ward moved to delay secession until the people should approve in a direct vote. This was defeated 41 to 26. Jackson Morton of Santa Rosa, another co-operationist leader, next moved that Florida should not secede until after Alabama had withdrawn from the Union. This, too, was defeated by a 40 to 28 vote. The final effort for delay came when Ward proposed that secession be deferred until after January 18. This proposal lost by the same 40

14. *Journal of the Convention*, 13-19.

15. *Journal of the Convention*, 19. J. P. Sanderson of Duval headed this group. Some of its leading members were McIntosh, Jackson Morton of Santa Rosa, and George Ward of Leon. The latter two were co-operationist leaders, while Sanderson and McIntosh were secessionists.

16. *Ibid.*, 28.

17. *Ibid.*, 28-29. Five delegates voted against the Allison proposal, but for Ward's proposal, while two voted for the Allison proposal but against Ward's amendment. Otherwise, the delegates voting for Allison's motion voted for Ward's. The Allison vote was probably the most crucial one in the convention, since it best represented the views of the co-operationists.

to 28 count, and the co-operationists admitted complete defeat. On the next day, the ordinance of secession was passed by a 62 to 7 vote.¹⁸

After confirming the governor's choice of Jackson Morton, J. P. Anderson, and J. W. Owens as delegates to the Montgomery congress, and amending the state constitution, the Florida convention adjourned until February 26. It then reconvened to consider ratification of the Confederate Constitution, which was done unanimously by a 54 to 0 vote.¹⁹

The Florida secession convention, like those of South Carolina and Mississippi, was controlled and dominated throughout by the immediate secessionists. Nevertheless, by using the vote of the Allison motion as a criterion for separating co-operationists and secessionists - the co-operationists voted for the secessionists against - certain comparisons of the two factions can be made. Age evidently had little influence upon the delegates' views on withdrawal from the Union. The co-operationists had an average age of 42.7 years, whereas the secessionists had 42.5 years, and the median age of the two groups was the same - 43 years.²⁰

Over one-third of the secessionists were born in Georgia; fifteen of the twenty delegates born there favoring separate state action. The South Carolinians were likewise secessionists by a 9 to 5 count. Native born Floridians, however, rejected separate state action by a 5 to 2 division. North Carolinians, 4 to 3 for co-operation, and Virginians, 3 to 1 for co-operation, were two groups that rejected secession. The two Tennesseans at the convention split, while the delegates born in Alabama, Mississippi, and Kentucky favored co-operation rather than separate state action. The seven delegates born in the seven Northern states,

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18. *Journal of the Convention*, 29-32. Baker of Jackson, Gregory of Liberty, Hendricks of Clay, McCaskill and Morton of Walton, Rutland of Orange, and Woodruff of Orange voted against the ordinance. The ordinance was formally signed on January 11 with John Milton, governor-elect, presiding as substitute for Governor M. S. Perry, who was unable to attend.
 19. *Proceedings of the Convention of the People of Florida, at Called Sessions, Begun and Held at the Capitol in Tallahassee, on Tuesday, February 26th, and Thursday, April 18, 1861* (Tallahassee: Dyke & Carlisle, 1861), 33.
 20. Based on information on delegates found in manuscript census returns and listed in Appendix I.

and the delegates born in Ireland and the Bahamas Islands supported immediate secession.

The largest occupational group at the convention - farmers - were pretty evenly divided, twelve favoring secession and eleven supporting co-operation. In fact, farmers composed 40.7 per cent of the co-operationist group and 28.6 per cent of the immediate secessionists. The other large occupation groups likewise slightly favored secession, as five of the nine merchants, four of the seven lawyers, and three of the four physicians present favored immediate action rather than co-operation by the slaveholding states. Planters, on the other hand, solidly backed secession by a 6 to 1 majority.

In real property the secessionists, with an average of \$12,919.87, and a median of \$10,000, were wealthier than their co-operationist opponents, who had an average of \$10,510.77, and a median of \$2,600. If average personal property is considered, the co-operationists, with an extremely high average of \$124,077.55, rank above the secessionists with an average of \$32,112.66. The high average of the co-operationists is due, however, to the two and one-half million dollars listed in personal property for E. E. Simpson. If the median be taken, the secessionists fall only to \$20,300, while the co-operationists plummet to \$11,412.²¹

The secessionists likewise had a higher percentage of slaveholders among their group than did the co-operationists, but the co-operationists had a slightly higher average in number of slaves held, averaging 27.1 slaves compared to the 26.7 slaves average of the secessionists. Once again, however, the large holdings of the big co-operationist planters such as James L. G. Baker, George T. Ward, and Jackson Morton, give a false impression of the typical co-operationist; the median holding in the group was only five slaves. The immediate secessionist, on the other hand, had a median holding of thirteen slaves.²²

The discussion of the characteristics of the delegates at the Florida convention has shown that the typical co-operationist and the typical secessionist were the same age, but the secessionist was born probably in Georgia, South Carolina, or a Northern

21. Based on figures taken from manuscript census.

22. Based on individual slaveholdings shown in Appendix I.

state; the co-operationist was likely to be a native of Florida, North Carolina, Tennessee, or Virginia. Both groups were dominated by farmers and merchants, but the secessionists were somewhat more likely to be slaveholders. The co-operationists had the larger average slaveholdings, but were composed of many small slaveholders and a few great slaveholders. In fact, the secessionists held more slaves than his co-operationist opponent if the median figure is accepted rather than the average. Likewise, the co-operationist group in property holding was composed of a few large property holders (such as millionaire E. E. Simpson) and more numerous delegates who held little property in 1860. Inasfar as wealth was concerned, the co-operation faction at the Florida convention was certainly one of extremes.

The counties represented by co-operation delegates at the convention were located on the whole in northern Florida; only one co-operationist county (Orange) was in the southern half of the state. Furthermore, six of the ten co-operationist counties, and two of three counties whose delegations were divided, were in the extreme western sector of the state. This may be explained by the fact that the economy of that area depended heavily upon Alabama; the delegates from the west therefore favored delay until the Alabama convention should act.²³ The three co-operationist counties in northeastern Florida (Suwanee, New River, and Clay) were similarly affected by Georgia, and preferred to wait until her decision was known.

Of the ten counties represented by co-operationists in the convention of 1861, three were populated originally by Alabamians. Only one county (Holmes) in which the plurality of non-Floridians were Alabamians sent a secessionist delegation to the convention. The seven other co-operationist counties had a plurality of non-Floridians born in Georgia. However, nineteen other counties with a plurality of non-natives born in Georgia were secessionist in 1861.²⁴

23. The Alabama convention passed the ordinance of secession on January 11, one day after Florida had acted.

24. Four counties with a plurality of non-native Floridians born in South Carolina were represented by secessionists. Population figures based on Ninth Census of the United States, 1870, 1. *Population* (Washington: Government Printing Office, 1872), 349, because the Census of 1860 did not give nativity of residents county by county.

The traditionally Whig counties of Florida tended more to co-operation than to secession. Four of the six that had cast a majority of votes for the Whig or the American or the Constitutional Union candidate in three of the preceding four presidential elections, or in a majority of elections in which the county participated, were represented by co-operationists in the 1861 convention. Four of the counties traditionally Democratic were represented by co-operationists in the 1861 body, but not less than fifteen sent secessionist delegations to the convention. Of the six counties which cast a majority of votes for the Democrats in two elections and for the Whigs in two others, four were represented by separate state actionists and two by co-operationists. Eight counties in Florida had voted Democratic in every one of the four preceding presidential elections; all were secessionist counties in 1861.²⁵

The co-operationist and secessionist counties were pretty evenly distributed in the matter of per capita wealth. The county with the highest per capita wealth in the state (Leon county with an excess of \$2,000 in per capita wealth) had a divided delegation in the convention of 1861; four delegates for co-operation and one for secession. Of the nine counties with a per capita wealth of \$1,000 but less than \$2,000 five were secessionist counties, three co-operationist, and one divided. Eighteen secessionist and seven co-operationist counties had a per capita wealth of less than \$1,000.²⁶

Comparison of slave population in the 1860 Florida counties does not reveal any basic differences between those supporting separate state secession and those supporting co-operation. Of the seven counties with over 50 per cent of total population slave, five had secessionist delegations. This would seem to indicate a correlation between slave population and secession, but such

25. Political positions of counties are based on election returns given in *Tribune Almanac* (New York Tribune) for the presidential elections of 1848-60. In the election of 1860 only four counties cast a plurality of votes for Bell; all four were co-operationist in 1861. In another co-operationist county (Liberty), Bell and Breckinridge were tied in popular votes. Stephen A. Douglas, who received only 2.7 per cent of the total Florida vote, had his strongest support in Escambia county (14.6 per cent of total vote), which was represented by a co-operationist delegation.

26. Based on Eighth Census of United States, 1860, IV, *Statistics* (Washington: Government Printing Office, 1866), 297.

supposition is embarrassed by the observation that all four of the counties with less than $12\frac{1}{2}$ per cent slave population were also secessionists. In fact, the secessionist counties were pretty equally distributed in the slave-white ratio for the entire state. Five secessionist counties were in the $12\frac{1}{2}$ -25 per cent slave class, five in the 25- $37\frac{1}{2}$ per cent class, and five in the $37\frac{1}{2}$ -50 per cent class. The co-operationist counties, on the other hand, were closely bunched, eight of the ten falling in the $12\frac{1}{2}$ - $37\frac{1}{2}$ per cent classes.²⁷

The contest in Florida over the method of secession was not then a simple division along the line of density of slave population in the counties or extent and size of slaveholding among the delegates to the convention. If the key be sought in past politics it does appear that the Whig counties tended more to co-operation than to separate state action, but the division was by no means wholly based upon party listing. Nor was it simply a contest between poor white and planter; analysis of the property holding of the delegates and of the per capita wealth of the counties will not sustain such a theory. Perhaps more than any other single factor, the geographic and economic dependence of the state on Georgia and Alabama dictated the division over the method of secession.

The co-operationists in Florida were genuine secessionists differing from the separate state actionists not in aim but merely in tactics. There was very little unionism in the state in 1860. The co-operationist believed in secession as strongly as did the separate state actionist, but he felt it expedient to delay action until Alabama and Georgia had made a decision; should they remain in the Union, secession by Florida would be an empty gesture. For that reason more than any other, the co-operationists fought to delay secession. Once the majority of the secession convention made delay impossible, all except five of the co-operationists voted for passage of the secession ordinance.

27. Of the forty-seven planters in Florida holding more than 100 slaves in 1860, ten lived in counties that sent co-operationist delegations to the convention. Ten others lived in Leon county, whose delegation voted 4 to 1 for co-operation; the one secessionist delegate from Leon was G. W. Parkhill, owner of 172 slaves in 1860. Figures for counties taken from Eighth Census of United States, 1860, III, *Agriculture* (Washington: Government Printing Office, 1864), 225.

APPENDIX I
DELEGATES TO THE FLORIDA SECESSION CONVENTION, WITH A SUMMARY
OF DATA TAKEN FROM SCHEDULES 1 AND 2 OF THE U. S. CENSUS FOR 1860

County	Delegate	Age	Birth Place	Occupation	Slaves	Real Property	Personal Property	Allison Motion	Secession Motion
Alachua	J. B. Dawkins	50	Ga.	Farmer	13	\$ 5,000	\$ 2,400	N	Y
	John C. Pelot	30	Ga.	Farmer		500	800	N	Y
Brevard	William B. Yates	55	N. C.	Farmer	55	17,000	30,000	N	Y
Calhoun	Simmons J. Baker	37	Ga.	Judge	63	15,000	35,000	N	Y
	McQueen McIntosh*	33	Fla.	Farmer	6	2,000	5,000	Y	N
Clay	T. J. Hendricks	35	Ga.	Merchant	1	2,000	10,000	Y	Y
	John J. Lamb	50	Ga.	Farmer	42	11,500	26,000	Y	Y
Columbia	Green A. Hunter*	33	Ga.	Merchant	9	10,000	20,000	N	Y
	John W. Jones*†	34	S. C.	Court Clerk	4	50	2,600	N	Y
Duval	J. M. Daniel	43	Vt.	Lawyer	83	25,000	55,000	N	Y
	John P. Sanderson*	52	S. C.	Merchant	4	1,000	4,000	Y	Y
Escambia	A. W. Nicholson	30	Md.	Physician	14			N	Y
	S. H. Wright	47	Ga.	Lawyer	18	14,000	120,000	Y	Y
Franklin	S. W. Spencer	38	Va.	Farmer	13	12,000	20,000	Y	Y
	A. K. Allison	31	Fla.	Judge Probate	1	1,400	8,000	Y	Y
Gadsden	Thomas Y. Henry	45	N. C.	Lawyer	24	10,000	15,000	Y	Y
	E. C. Love	33	Ga.	Physician	44	10,000	29,000	N	Y
Hamilton	Samuel B. Stephens	43	Ga.	Farmer	42	7,000	35,000	N	Y
	Lewis A. Folson	42	Penna.	Lawyer		6,100	800	N	Y
Hernando*	Joseph Thomas	24	Indiana	Judge Probate	1	2,575	2,800	N	Y
	Benjamin Saxon	46	Ga.	Farmer	1	800	2,200	Y	Y
Hillsborough	James Gettis*	29	Ga.	Farmer		200	500		
	Simon Turman								
Holmes	R. R. Golden*								
	Richard D. Jordan								

APPENDIX I (Continued)
DELEGATES TO THE FLORIDA SECESSION CONVENTION

County	Delegate	Age	Birth Place	Occupation	Slaves	Real Property	Personal Property	Allison Motion	Secession Motion
Jackson	S. S. Alderman	25	Fla.	Merchant		\$ 400	\$ 6,000	Y	Y
	James L. G. Baker	61	N. C.	Farmer	111	24,500	80,250	Y	N
	Joseph A. Collier	51	S. C.	Farmer	32	8,000	27,500	Y	Y
	Adam McNealy	43	Ga.	Farmer	23	8,000	14,000	Y	Y
Jefferson	J. Patton Anderson	38	Tenn.	Farmer	30	3,500	35,000	N	Y
	W. S. Dilworth	38	Ga.	Farmer	43	25,000	48,150	N	Y
	Thompson B. Lamar	32	Ga.	Gentleman	46	15,000	36,000	N	Y
	Thomas M. Palmer	37	S. C.	Physician	19	12,000	15,000	N	Y
Lafayette	E. P. Barrington*	42	S. C.	Farmer	10	3,900	10,214	N	Y
Leon	John Beard	63	N. C.	Agent, Comm.	5	1,500	14,000	Y	Y
	William G. M. Davis	48	Va.	Lawyer	4	5,000	20,000	Y	Y
	James Kirksey	54	Ga.	Merchant	86	10,000	75,000	Y	Y
	G. W. Parkhill	35	Va.	Physician-Planter	172	36,000	133,000	N	Y
	George T. Ward	50	Ky.	Planter	170	70,000	130,650	Y	Y
Levy	George Helvenston	43	Ga.	Merchant	3	15,000	15,000	N	Y
Liberty	W. S. Gregory	34	Fla.	Farmer	15	3,000	12,825	Y	N
Madison	A. J. Lea*	43	N. C.	Planter	48	12,500	55,000	N	Y
	John C. McGeehe*	58	S. C.	Planter	100	45,000	70,000	N	Y
Manatee	Ezekiel Glazier	48	Mass.	Carpenter		1,500	1,000	N	Y
Marion	A. M. G. Gary	33	S. C.	Lawyer	4	25,000	5,000	N	Y
	W. McGahagin	44	Ga.	Planter	28	12,000	20,000	N	Y
	J. B. Owens	44	S. C.	Planter	89	30,000	88,000	N	Y
Monroe	Winer Bethel	43	Bahamas	Lawyer	5	2,000	4,600	N	Y
	William Pinckney	30	Fla.	Merchant	9	12,000	10,000	N	Y
	Asa F. Taft	41	Conn.	Merchant	14	40,000	57,500	N	Y
Nassau	James G. Cooper	58	Ga.	Planter	13	10,000	30,000	N	Y
	Joseph Finegan	48	Ireland		22	58,600	132,800	N	Y
New River	Isaac S. Coon	23	Ala.	Physician		2,200	1,500	Y	Y
Orange	Isaac N. Rutland*	35	Tenn.	Merchant-Farmer		770	3,345	Y	N
	William Woodruff	28	Miss.	Farmer		30	700	Y	N

APPENDIX I (Continued)

DELEGATES TO THE FLORIDA SECESSION CONVENTION

County	Delegate	Age	Birth Place	Occupation	Slaves	Real Property	Personal Property	Allison Motion	Secession Motion
Putnam	James D. Devall	52	S. C.	Com. Merchant	25	\$11,500	\$ 23,500	N	Y
Santa Rosa	Jackson Morton	60	Va.	Mill Owner	132	51,000	150,000	Y	Y
	E. E. Simpson	57	S. C.	Miller	73	30,000	2,500,000	Y	Y
St. John's	Rhydon G. Mays	58	S. C.	Planter		20,000	100,000	N	Y
	Matthew Solana	66	Fla.	Farmer	30	4,000	26,000	N	Y
Sumter	David G. Leigh	29	S. C.	Merchant		1,100	4,000	N	Y
Suwannee	James A. Newmans	51	Ga.	Farmer	10	2,000	5,000	Y	Y
Taylor	William H. Sever	39	Ga.	Farmer	8	3,000	5,500	N	Y
Volusia	James H. Chandler	47	S. C.	Preacher	6	350	4,280	N	Y
Wakulla	Daniel Ladd	43	Maine	Merchant	27	20,000	100,000	N	Y
	David Lewis	43	Ga.	Farmer	9	3,000	10,000	N	Y
Walton	A. L. McCaskill	30	S. C.	Farmer	2	4,480	2,695	Y	N
	John Morrison	30	S. C.	Farmer	1		1,000	Y	N
Washington	Freeman B. Irwin	49	Ga.	Farmer	2	2,000	2,000	N	Y
	Daniel McLean	62	N. C.	Farmer			200	Y	Y

EXPLANATORY

Information for this table taken from the manuscript returns for Schedules No. 1 and No. 2 of the Eighth Census of the United States, 1860. The originals of these returns are in the National Archives, Washington 25, D. C. The author used microfilm copies at the University of Texas, Austin, Texas.

*This delegate represented a senatorial district; he is listed under the county of his residence.

¹John W. Jones challenged and was finally awarded the seat of A. J. T. Wright, but the voting for secession had already occurred.

²No Census returns for Hernando county.

³R. R. Golden challenged, and was on the fourth day awarded, the seat of Richard D. Jordan.

BOOK REVIEWS

When the World Ended: The Dairy of Emma LeConte. Edited by Earl Schenck Miers. (New York, Oxford University Press, 1957. xviii, 124, pp. Illustrations. \$4.00.)

EMMA LECONTE was the daughter of the famed geologist and professor Joseph LeConte. When she wrote this diary she was seventeen years old and was living with her family on the grounds of South Carolina College in Columbia.

The diary begins on December 31, 1864, and ends on August 6, 1865. In November General William Tecumseh Sherman and his Yankee army had begun its northward march from Savannah, Georgia, across South Carolina. They had entered Columbia on February 17, and that night most of the city was burned to the ground. Her account of this tragic event is the high point in Emma LeConte's little book.

Emma was only a young girl and the daughter of a very respectable family. She was not on the streets watching the soldiers and exposing herself to probable insult and possible danger. She was at home, watching the flames from a third-story window; hearing shots, shouts, and "the thunder of falling buildings;" and listening with facinated horror to reports and rumors brought by the Negroes and others who felt free to go out and see what was happening. She was not in a position to be able to answer that most-debated question, "Who started the Fire?," though in her mind there was "no shadow of doubt that the town was burned by Sherman's order."

Perhaps the most significant thing Emma is able to tell us as a really first-hand observer is how she herself felt - and by extension how other upper class women and girls of the Confederacy must have felt. She hated. "Before they came here," she wrote of Sherman's troopers three days after the fire, "I thought I hated them as much as was possible - now I know there are no limits to the feeling of hatred." She romantically wished that President Jefferson Davis might call out the women to fight and die, rather than let them "be ruled by such horrible and contemptible creatures . . . when we hate them so bitterly." She hurrahed when Lincoln was assassinated, though she admitted that his murder

would hurt the South, not help it: "Never mind, our hated enemy has met the just reward of his life."

Yet even in the brief time span of this book there is evidence of a slight abatement of Emma's hatred. Colonel Nathaniel Haughton took charge of Columbia on May 25. He kept order in the town, set the Negroes to work, and was courteous to southern ladies and gentlemen. He helped Professor LeConte make a living bringing corn to Columbia by letting him have a flatboat that had belonged to the Confederacy. He even refrained from going to church so that he might not officially know that the Episcopal minister was omitting the prayer for the president of the United States. Emma wrote on July 5, "We are very fortunate in having Col. Haughton here . . . He has been all kindness and consideration to the citizens . . . It goes against the grain to admit anything good of a Yankee, but I have to own that he has acted well towards us."

Emma would probably have recoiled from the thought, but such words, coming from one who lived in Columbia on February 17, 1865, offered fair prospects of reconciliation between the South and the North.

GEORGE R. BENTLEY

University of Florida

Florida's Last Frontier; The History of Collier County. By Charlton W. Tebeau. Copeland Studies in Florida History. (Coral Gables, University of Miami Press, 1957. 260 pp. Illustrations, maps, index. \$3.50.)

SOUTHWEST FLORIDA has been as remote and inaccessible historically as it has seemed to be physically. Now, Professor Charlton W. Tebeau has written the much needed *Florida's Last Frontier, the History of Collier County*. Based upon numerous interviews with Collier County pioneers and their descendants, upon extensive research, and upon notes and maps collected by David Graham Copeland, *Florida's Last Frontier* can be enjoyed as readily by the neophyte as by the scholar.

In his foreword the author makes it clear that it was inaccessibility or natural barriers, not distance, that made Collier County "Florida's Last Frontier." This was so from the white man's

point of view, but to the Mikasuki Seminole it was the last refuge. "Unknown" was the interior of the region until the wars of Indian removal when military maps were prepared. Even after the official close of hostilities in 1842, there was another flareup (called Bowlegs War) as late as 1855-58, when the last shots were fired. The pre-history of Collier County is dealt with briefly because of lack of available information. The Spanish period is touched on lightly for the same reason.

It is in the era of white settlement, beginning about 1870, that Dr. Tebeau's exhaustive research becomes apparent. His many acknowledgments and photographic illustrations bear witness to the thoroughness of his efforts. Here, where his information comes from sources, he gives free rein to his easy-going, narrative style. In review pass pioneer settlers driving ox teams; truck farmers dependent on a hundred miles of boat transportation to market; the coming of capital in the person of Barron G. Collier; and the final conquest of The Last Frontier - the construction of the Tamiami Trail, followed by the railroad. Modern pioneering, based on the County's recent past as well as present natural resources, and their possibilities, concludes the story.

As local history, *Florida's Last Frontier* is complete in the light of present knowledge. Only the "digs" of archeologists or the discovery of some "lost" document in Spanish archives could add to it. It provides a reliable source of material for future writers and answers many questions for South Florida residents and visitors.

Professor Charlton W. Tebeau is chairman of the Department of History at the University of Miami, past president of the Florida Historical Society and, for many years, editor of *Tequesta*, the journal of the Historical Association of Southern Florida. He is a native Georgian and at home in the Florida woods, thus his knowledge of pioneers and their problems. This sympathetic approach enabled him to gain access to sources of information that to others might have remained closed.

Dr. Tebeau is also the author of *The Story of the Chokoloskee Bay Country*, the first of the Copeland Studies in Florida History which are published by the University of Miami under a grant made by the sons of the late Barron G. Collier to honor the

memory of David Graham Copeland who for twenty years before his death collected notes and maps from all available sources on the early history of Southwest Florida.

CHARLES M. BROOKFIELD

Miami, Florida

Negro Militia and Reconstruction. By Otis A. Singletary.

(Austin, University of Texas Press, 1957. xi, 181 pp. Illustrations, bibliography, and index. \$3.75.)

COMING AS THIS BOOK does at the height of considerable excitement about integration, one finds the work unusually interesting. The book points up the inescapable fact that the race difficulties during Reconstruction were largely political. It is somewhat consoling to have this knowledge when so many evidences of political activity now attend racial unrest.

Dr. Singletary has a deep South background but has approached this subject in an objective, unemotional fashion. He has condensed in 152 pages of well-documented text the history of the Negro militia during Radical Reconstruction in the South. From the creation of the militia to "fill the vacuum that resulted from the withdrawal of Federal troops," the author carries his story through the organization of the militia, the difficulty of recruiting and arming, low morale, southern-white counter measures, and a summation of its effect and effectiveness. Perhaps the most striking chapter in the book is that entitled "Minstrels and Brindle-Tails." These names were attached to the opponents in the "Brooks-Baxter War," which was fought in Arkansas by factions of the Republican Party with Federal troops standing by.

The Negro militia movement, observes Dr. Singletary, was a "dismal failure" and he concludes with the significant observation that, "It is ironic that the organization of this protective force, because of its racial implications, actually aided in the destruction of the very political movement it was created to protect."

The author has presented his material in a factual but pleasant style that will appeal to the casual as well as the informed

reader.. The book's format is attractive and the choice of illustrations excellent.

ADAM G. ADAMS

Miami, Florida

Our Journey Through Florida. By Cleo Rainwater and Kathryn Abbey Hanna. (New York, American Book Company, 1957. x, 350 pp. Illustrations, maps and index.)

La Florida; Its Land and People. By Leeila S. Copeland and J. E. Dovell. (Austin, Texas, The Steck Company, 1957. x, 358 pp. Illustrations, maps, bibliographies and index.)

The Story of Florida. By Rembert W. and Eleanor B. Patrick and Hester B. Fisackerly. (Austin, Texas, The Steck Company, 1957. vi, 362 pp. Illustrations, maps and index.)

TODAY, WHEN THERE is an increasing emphasis upon state and local history we are indeed fortunate to have made available to our public schools these three texts which detail the story of Florida so well. It should be emphasized, too, that they will be as attractive to adults as they will be to the young people in the schools. Each book has a Teacher's guide or manual which makes it much more usable and, of course, valuable.

Dr. Kathryn Abbey Hanna, distinguished Florida scholar and historian, and Cleo Rainwater, gifted educator of Florida State University, in their book, *Our Journey Through Florida*, use the device of chronicling the travels of a family to tell the story of Florida. The Wilder family begins its journey at Wakulla Springs and visits all of the more important sections of Florida. After investigating the state, first hand, from mastodon remains to the chemical industry developing in northwest Florida, the Wilders are so intrigued that they decide to make Florida their home.

So comprehensive and attractive is the presentation, that one has a feeling of suspense and speculates where the Wilders decide to locate - Florida East Coast, the cattle country, near one of the numerous springs, state parks or Seminole Reservations. Maybe the early vegetable or plantation sites will appeal most to them! The book is well-written and easily read.

Two noteworthy features of *La Florida* are the wrenching from obscurity of men and events, both human and pictorial, and the reversal of geographical and political features. As to the latter, the interest whetted by the preceding pages, will stimulate the student to desire accurate orientation and the wish to know the why and the wherefore of the determination of persons and events by physical features.

From a preface distinguished by beautiful diction, the pages that follow present a well-integrated account of the great figures of Florida history, its cultural and educational institutions, its part in the wars, its ups and downs, the developments, some apt quotations, and the whole is crowned by a helpful bibliography and a useful appendix.

The Story of Florida has the prestige afforded by having as its authors the Head of the History Department of the University of Florida and two other persons equally well-known in educational circles of the state. The contents are related in dialogue form, which experience with a series of reading texts now in use has demonstrated to be most attractive and valuable to young readers. Unusual facts are related with just the right amount of suspense.

There is general travel information keyed to the fourth grader, fine geographical information, and the text is comprehensive of every part of the state. It is equally interesting to the adult reader and projects its narrative into the modern aspects of the state. The print is large and the general format, pleasing. The appendix with its excellent chronological tables and lists of counties, cities, state parks and governors, and the Teacher's Guide-book will prove most helpful.

OCCIE CLUBBS

Pensacola, Florida

NEWS AND NOTES

Forts and Fort Sites

The roles played by France and Great Britain in the history of northeastern Florida and southern Georgia are graphically recorded in two recently dedicated museums. On March 30, Fort Caroline National Memorial was dedicated under the sponsorship of the Jacksonville Historical Society and the National Park Service. The Ambassador of France to the United States, His Excellency, Herve Alphand, represented his country and gave the principal address. The memorial and museum are near the site of the French fort, built in 1564 overlooking the St. Johns River.

Dedication ceremonies for the museum at Fort Frederica National Monument, St. Simons Island, Georgia, were held on February 23 by the Fort Frederica Association and the National Park Service. Great Britain was represented at the ceremonies by Honorable D. A. Batwell, British consul. The museum depicts the story of Fort Frederica, Britain's most powerful citadel in Colonial America, and highlights the Battle of Bloody Marsh, July 7, 1742.

Restoration of old Fort San Carlos and Fort Barrancas within the Pensacola Naval Air Station has been chosen by the historical committee of the Greater Pensacola Chamber of Commerce as its principal project for this year.

Two blocks of land north of the site of Fort San Marcos de Apalache at St. Marks were purchased recently by the Wakulla Board of County Commissioners from the U. S. Bureau of Land Management. Establishment of a historic memorial is planned.

Gifts

Admiral John F. Greenslade of Washington, D. C. has placed the Panton, Leslie and Company papers in the Society's library

as a memorial to his mother, Mrs. Marie Taylor Greenslade, granddaughter of John Innerarity, the last surviving partner of the company. The papers are the original documents and correspondence between the governors of Louisiana and West and East Florida and other important personages, including the leading Indian chiefs of the time. Many of the papers were edited by Mrs. Greenslade and published in the Society's *Quarterly*, volumes IX to XVIII.

Mrs. Thomas E. Dudley of Sevannee, Tennessee, has given the Society several rare maps from among the papers of Major George R. Fairbanks, the Society's first president after reorganization in 1902.

Valuable documents and a manuscript from the library of John Lee Williams were donated by his greatgrandson, Edward S. Kelly of Atlanta. Included are two original and highly prized sketches by Major John R. Vinton who served in Florida during the second Seminole War.

The copper plates from which the illustrations were struck for *The History of Jacksonville* by T. Frederick Davis, have been given to the Society by Mrs. Davis of Jacksonville.

College News

Richard A. Bartlett has been appointed to a research position at Florida State University for work on the "Great Surveys of the American West." George A. Lensen, who held a faculty research grant last year from the Social Science Research Council, has returned to teaching and has received a grant-in-aid for research into Russo-Japanese relations. Weymouth T. Jordan has returned to the campus after eight months research under a Guggenheim fellowship. Calvin J. Billman will return in June

from the Panama Canal Zone after a year as director of the "Bootstrap" program. Earl R. Beck, Weymouth T. Jordan and Victor S. Mamatey appeared on the program of the Southern Historical Association last fall. Richard A. Bartlett read a paper at the spring meeting of the Mississippi Valley Historical Association. Books published recently by members of the history department are: *The Emergence of the Republic of Bolivia* by Charles W. Arnade; *Ante-Bellum Alabama: Town and Country, Rebels in the Making* and *Southern Propaganda* by Weymouth T. Jordan and *The United States and East Central Europe, 1914-1918* by Victor S. Mamatey. *The Red River Campaign* by Ludwell H. Johnson has been accepted for publication. Charles Fairbanks is teaching an extension course in Indians of North America at Fort Walton Beach.

Arthur W. Thompson of the University of Florida, president of the Southeastern American Studies Association, presided at the annual meeting of the Association in Macon on March 28 and 29. Four additional representatives from Florida colleges were on the program: John A. Hague of Stetson University, Marian D. Irish of Florida State University and Manning J. Dauer and Rembert W. Patrick of the University of Florida. Rembert W. Patrick was selected as the first member of the faculty to be added to the University of Florida lyceum lecture series. On January 7 he delivered his lecture on "Race Relations in the South." John Goggin is conducting an archaeological examination of a newly discovered Seminole site on the Suwannee River, probably one of the towns burned by General Andrew Jackson.

Activities of Historical Societies

The Bay County Historical Society was chartered early this year. Officers include Dr. R. E. Wager, president; William T. Weeks, vice president; John R. Middlemas, secretary and David Lewis, treasurer. Collection of historical documents relating to the area has already begun with the gift of three sets of photographs of early Panama City. The Society set its goal as the establishment of a library and solicits pertinent materials.

C. C. Miller of Lakeland was elected the first president of the newly formed Lakeland Historical Society on March 14. Other officers elected were Frances Higgins, vice president; Mrs. Thelma B. Miller, secretary and Mrs. Nell Swindell, treasurer. Harris Sims, Gilbert P. Richardson, D. H. Sloan, Mrs. L. B. Bevis and Mrs. E. Perry Ross were elected to the board of directors. The Society has secured space for headquarters in the Park Trammell library. The erection of markers will be one of the first projects of this new group.

The Palm Beach Historical Society, reactivated last year under Judge James B. Knott as president, held its first meeting on January 9. Theodore Pratt, author of *The Barefoot Mailman* was the guest speaker. At the February meeting, Rembert W. Patrick of the University of Florida spoke on "Collecting the Sources of Florida History."

Projects of the Martin County Historical Society include improvements at the House of Refuge Museum and the republication of books relating to the area. Attendance at the museum has increased recently, reaching some 200 each Sunday, with the opening of two new bridges to Hutchinson Island where the museum is located.

Cleveland Amory, author and former editor of *The Saturday Evening Post*, spoke before the January meeting of the Historical Association of Southern Florida. His subject was "Resorts - First, Last and in Between." A. Curtis Wilgus, director of the School of Inter-American Studies at the University of Florida and a consultant to the State Department and the Pan American Union, spoke on "Highlights of the Caribbean" at the February meeting.

The St. Augustine Historical Society has added to its research staff, Mrs. Ada A. Sullivan and Mrs. Eugenia Arana. Under

the direction of William B. Griffen, the translating and calendaring of many Spanish documents is progressing.

A portrait of Pedro Menendez de Aviles, a gift of the government of Spain, was presented to the Society by the Marquis de Santa Cruz. Winston Llambias of Jacksonville has given the Society a desk-table for the Llambias house. The table was used by his grandfather, Joseph Llambias during his residence in St. Augustine.

At the January meeting of the General Duncan Lamont Clinch Historical Society of Amelia Island, W. L. Webb spoke on "A Look at Fernandina in the Past"; Reed Lewellen discussed types of Indian pottery found on the island and Harry Lohman gave a commentary on photographs of early Fernandina. On April 20, McClure's Hill highway marker was dedicated with Charles W. Arnade as the speaker. Mrs. A. G. McArthur was chairman of the ceremonies.

James Parton, publisher of *American Heritage* was the guest speaker before the Hispanic Institute in Florida meeting in St. Augustine on January 25. Hugh F. McKean, painter, lecturer and president of Rollins College, spoke on "The Art Significance of the Ponce de Leon Hotel."

Seminole War Highway Marker

One of the last encounters of the Seminole War occurred south of Wauchula on June 16, 1856. The Wauchula Junior Woman's Club has erected a highway marker on the site. The recognition of our state's history by organizations other than historical groups is an encouraging development.

TEQUESTA XVII

A Review by JULIEN C. YONGE

Not all historical periodicals have appeared without intermission since their first issue, but *Tequesta*, the annual journal of the Historical Association of Southern Florida is one of these, having been published first in 1941 and Number XVII reaching us in 1957.

All but four of these seventeen issues bore the same name as editor, and no one who has taken any interest in Florida's history for the last decade or two need be told that Dr. Charlton W. Tebeau was and is that editor.

Only he himself can say how much editing was done on the scores of articles in these seventeen issues, but we would guess that in addition to suggesting many of the subjects to the writers, he assisted in the research of a number, and in the composition of some. So together with his own important volumes *Florida's Last Frontier*, *The History of Collier County* and *The Story of the Chokoloskee Bay Country*, Dr. Tebeau is the foremost historian of southern Florida.

Four papers are included in this issue of *Tequesta*.

Homesteading . . . 1890's

The family of Edward J. Douthit came to Florida in 1892 and homesteaded near Lemon City. One of the daughters, Mary Douthit Conrad now tells the story of these early years, and here are thirty pages of day to day personal experiences, general happenings, and conditions in the region then.

All is well done, and after a reading you seem to have been there in this pioneer family; and to have seen the boys cutting down the pine trees, peeling off the bark, building the log house, daubing the cracks with a mixture of sand and lime and water, and the whitewashing. There were two stories with a ladder for steps, and over the windows was cotton netting to keep out the mosquitos. Driving a pipe down a few feet, a pitcher pump gave a good supply of water. A tarpaulin was kitchen and dining room, and an open fire was kitchen stove.

Clearing the land with grubbing hoes was difficult. Palmetto roots were everywhere among the numerous pines, scrub oak, grapevines and coontie plants. Ten acres were planted in the first year with orange, lemon and other fruit trees, with a vegetable garden in winter and sweet potatoes the year around.

They walked everywhere until they got a dugout from the Seminoles. Boats were then operated commercially between Lemon City and Key West, their arrival being preceded by a blast on a conch shell, creating an excitement with doors banging open and children racing down to the dock. The Seminoles

would gather there too barefooted and waiting, the men with a full skirted dress to their knees.

The roof of their house was carried away in a hurricane and they watched it go sailing away while they were outdoors in the rain for safety.

There was plenty to eat. Some from the Indians by barter, by hunting, from their own garden, or from the general store. Some of the things they ate as a matter of course were delicacies such as turtle steak, quail, turtle eggs, oysters, clams and various kinds of fish, and always starch from the coontie root. The outdoor kitchen fire was a campfire arranged Seminole fashion, logs laid as spokes of a wheel with the fire at the hub which saved wood cutting, for when a log burned down it was shoved in a bit until it was in the fire again.

Other Seminole customs and the Indians themselves are described, their dances, drums, rattles, and chants.

The schools and churches of the settlement are told of, the social gatherings described, and at last the beginning of a public library with a few donated books in a room of a private residence.

In all, here are a score or two of charming pages.

Pre-boom Developers of Dade County

The extraordinary land boom of 1925 in the Miami region is well known, as are the names of the Merricks at Coral Gables, Carl Fisher at Miami Beach, and others; but, says Adam G. Adams, “. . . Others whose names were household words before and during the boom are now all but forgotten.”

So he writes of some of these in *Tequesta*, with a “. . . brief description of the times, and to recall a few of those less prominent, withall important developers of Dade County.,,

Frank B. Shutts was sent to Miami to liquidate the Fort Dallas Bank. He remained as a lawyer and *to own the Miami Herald*.

“Real estate dominated the business scene, as indeed it still does. . . . In 1917 a dozen companies with large tracts of Everglades lands engaged in intensive selling campaigns.” Here was R. P. Davis, Richard J. Bowles and many others: The Everglades Land Company, with V. W. Helm and Henry G. Ralston,

the Chevalier Corporation, the Pennsylvania Sugar Company. There was J. E. Withers in 1912, and S. J. Peters of 1895 and his son Thomas Peters "who were exceptions to the long list of failures in agricultural pursuits, also the Dorn Brothers of 1910."

James Deering was building Viscaya from 1912 to 1916. "There were probably 10,000 people in Dade County, and at least one out of every ten was working on this construction. . . . It has been said frequently that Mr. Deering's operations saved the town from starvation."

Scores of other names are noted of those who were active in real estate and other businesses, and some of these other businesses are told of.

The article closes with the following: "Many young men coming to Miami for whatever purpose found their way into the real estate business. Leslie B. Manley arrived in 1913 representing a paving company. He became associated with P. H. Arthur in 1919 and subdivided a 45 acre tract named Shenandoah. . . . When the first sale of lots was held in 1920 . . . they didn't sell a lot. By 1925, however, when the company subdivided and offered for sale New Shenandoah, 105 acres, the demand for lots was so great that the whole subdivision was sold for a total of three and one-half million dollars the first day."

Key Vaca

One of the long string of keys reaching southwestwards from the peninsula and more than half way to Key West is Key Vaca, which is remarkable for its extraordinary growth in population and development. Florence Brigham is this key's historian and the history she has written of the latter years would be scarcely believed if told of anywhere else. This issue of *Tequesta* includes Part I of her narrative. Portions of the paper were read at the last annual meeting of the Florida Historical Society, but there is much else here.

Several plausible sources have been suggested through the years as to the origin of the name but there is no certainty as to how it came, though it was connected in some way with cows.

This early history of the Key has been assembled from all printed and available manuscript sources, as well as from exten-

sive correspondence, and is as complete as is possible at this time. Part I relates to the period before the remarkable growth of recent years and includes as much detail as is available with quotations from numerous writers. One of these indicates that perhaps the name was applied prior to the founding of St. Augustine.

"During the centuries Key Vaca has been any man's land, and was resorted to according to the needs of Indians, sea travellers, and sea rovers. These men were pirates, freebooters, and buccaneers, and they were followed by wreckers."

The first owner of the key was Francisco Ferreira. His petition to Governor Kindelan for "Key Bacas," and the grant of the Key in 1814 are quoted in full. Also his petition to the Florida Land Commissioners (1823) which was recommended to Congress the next year. Ferreira sold the Key in that year (1824) to Isaac N. Cox, who sold it to Charles Howe.

Ownership is traced in detail through the years and the record brought up to recent times for the marvellous growth to be told of in Part II.

Soldiers in Miami, 1898

by William J. Schellings

It is difficult to picture Miami as a small town with only a weekly newspaper, but such was the case in 1898 as the war with Spain approached. The town was quiescent with little thought of the Cuban revolution nearby, but when the battleship Maine was blown up in Havana harbor and a number of timid people had come from Key West to get away, a change came about. "By the first of April the city had been swept up in the excitement, and patriotic demonstrations were the order of the day."

There was a demand that the Army erect coast defenses, and the Army promised, but was so slow about it that Miamians formed a volunteer home guard unit of over two hundred men, and when rifles and ammunition arrived from Tallahassee drilling was begun.

But even with the war fever "Miami continued to develop more land and erect more buildings," and when it was known that the Army was looking for a camp site it aroused no local

interest. Yet the Florida East Coast Railway and Mr. Flagler were busy clearing land and running in water, and in June six regiments arrived.

The vision of a tropical paradise which some of the men were expecting was shattered the first day. Here were 7,000 men put down in summer in the woods with "heat, mosquitos and sand flies that beat anything. . . and the privilege of going to the Royal Palm barber shop and a shave for fifty cents."

"Citizens had reason to complain, too. Cases of rowdyism were common and clashes between soldiers and the colored population frequent . . . Miami began to regret that the camp had been established."

The camp was unhealthy and the water supply impure - so it was charged - with a sick rate far in excess of other camps in the State. After numerous inspections by officials, it was determined to move the camp, and the last regiment left Miami on August 13.

It was charged that Flagler spent \$50,000 to secure the camp but "such charges were without any base in fact so far as the record shows. Flagler did spend \$10,000 in having the ground prepared, and donating ice and other items. So far as his profits went, they were small compared with those earned by other railroads, particularly the Plant System in its operations in Tampa."

"The soldiers were happy to leave and Miami was happy to see them go."

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